



April 10, 2007

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**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED**

Ms. Sandy Miller
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Dear Ms. Miller:

Re: Preliminary Determination to
Conditionally Approve a Feasibility and
Plan of Operation Report for a
Hazardous Waste Storage and
Treatment Facility (the "Preliminary
Determination") at Badger Disposal of
Wisconsin, Inc., 5611 West Hemlock
Street, Milwaukee, Wisconsin -- EPA
ID# WID988580056 (the "Facility")

In accordance with Wisconsin Administrative Code section NR 670.411 [Public comments and requests for public hearings], I write on behalf of EOG Environmental ("EOG") to provide written comments regarding the Wisconsin Department of Natural Resources' (the "WDNR") Preliminary Determination (including, but not limited to, the preliminary determination, the Feasibility and Plan of Operation Report, and the environmental assessment), which is the subject of the February 28, 2007 Legal Notice attached at Exhibit A.

EOG has an interest in this matter, because it was a tenant on property that is adjacent to the Badger Disposal of Wisconsin, Inc. ("Badger") facility at issue in this matter, EOG is a historic customer of the Facility, and EOG is concerned with Badger's historical and current non-compliant conditions which exist and have existed at the Facility.

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EOG is providing these comments on the Preliminary Determination, because, as both an adjacent tenant (albeit historical) to the Facility and a historical customer of Badger, EOG has concerns about its potential liability arising from Badger's non-compliant activities at the Facility and non-compliant conditions which exist and have existed at the Facility and the potential for EOG and other customers of Badger becoming liable for cleanup and site restoration of the Badger facility.

The nature of EOG's concerns is as follows:

- Objections to the Preliminary Determination
 - Badger is being **rewarded** with a 10-year renewal of its existing federal permit **in spite of** (a) its horrendous environmental compliance record {see immediately below a list of at least twenty (20) EPA &/or OSHA &/or DOT violations, all of which are corroborated by either photographs, Badger's own comments, or the WDNR's own records, i.e., CARs and photographs}, and (b) being in obvious non-conformance with one of the key purposes of the federal Part B renewal system (see Congressional testimony prior to RCRA passage) which is to preclude those facilities which have had over a year of continuing environmental non-compliances from their continued operations (Badger has had over a year and a half of such continued environmental non-compliances, see EPA's own www.epa.gov/echo reports, and if the first item below is included, **continuing violations to this very day**)
 - Badger's existing facility simply cannot physically conduct Fuels Blending if all of the environmental regulatory requirements are met (again, especially if the first item below is properly enforced)
 - The WDNR has admitted, for example, in its January 18, 2007 letter, Item 1 to Mr. Powals, that it has failed to properly enforce the environmental regulations, and as a result, we would hope that the WDNR now would properly execute its legal responsibility and properly enforce all of the environmental requirements upon Badger, not only currently, but for all of Badger's past violations
 - Numerous times in the FPOR existing and potential future situations at the Badger site are commingled, and in each case, these situations give

the incorrect impression that Badger is in compliance, when in fact, the current Badger environmental non-compliant situation must be explicitly stated in the FPOR, and potential future compliant situations provided in a separate addendum or appendix. For example, the site plan by Spectrum shows the Badger facility's property lines larger than currently authorized, and, furthermore, no currently licensed P.E. stamp & signature is included on this or any of the other drawings.

- Badger's non-compliant activities at the Facility, including, but not limited to the following:
 - Improper fence location
 - Uncontrolled fence security
 - Hundreds of hazardous waste drums stored outdoors and outside containment on numerous occasions
 - Hundreds of hazardous waste drums stored outdoors improperly labeled (*if* "empty")
 - Unauthorized soils excavation
 - Contaminated soils excavation
 - Inadequate contaminated soils excavation sampling and analysis
 - August 17, 2005 fire, fire verifying release
 - Inadequate employee and management personnel experience and training
 - Inappropriate mixing of wastes
 - Temporary authorization for fuel blending
 - Poor conditions of drums
 - pH=1.0 material in steel drum
 - Manifest discrepancies
 - Aisle space violations
 - Failure to include all waste codes in operating record
 - Failure to at all times keep ignitable drums more than 50 ft. from property line
 - Failure to separate incompatible hazardous wastes inside the Badger facility
 - Failure to preclude hazardous waste constituents discharge to the sewer system
 - Continuing Badger EPA ECHO Non-compliances Report

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- The Facility's past and present non-compliant and/or contaminated condition
 - A 2005 fire occurred on uncontained abraded asphalt
 - Arguably contaminated soils were excavated in runoff area (from metals fire water and stormwater)
 - Inappropriate and misleading soil sampling occurred in the runoff area
- Various Badger misstatements to the WDNR

These issues were explained in more detail in my February 6, 2007 letters to the WDNR's Franklin C. Schultz and Mark Drews, copies of which are submitted as supporting material at Exhibit B.

For the reasons set forth above, EOG also hereby gives notice of its opposition to the WDNR's Preliminary Determination. EOG also objects to the U.S. EPA's Preliminary Determination to Issue Federal Permit for a Hazardous Waste Storage and Treatment Facility at Badger Disposal of Wisconsin, Inc., 5611 West Hemlock Street, Milwaukee, Wisconsin – EPA ID# WID988580056, as set forth in EOG's April 10, 2007 letter to the EPA (on which you were copied).

Please contact Mr. Richard Powals at 248-770-0514 if you have any questions regarding EOG's comments or if you need any additional information. Thank you.

Yours very truly,



Donald P. Gallo

Waukesha\50411DPG:CAS

Enc.

cc Wen C. Huang, P.E. (w/enc.)
Mr. Paul Little (w/enc.)
Mr. Michael C. Vilione (w/enc.)
Richard J. Powals, P.E. (w/enc.)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
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February 28, 2007

Mr. Henry Krier
Badger Disposal of WI, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

File Ref: FID# 241384000
HW/LIC

Subject: Notice of Completeness and Preliminary Determination to
Conditionally Approve the Feasibility and Plan of Operation Report
For Storage and Treatment Units at
Badger Disposal of WI, Inc.
EPA ID# WID988580056

Dear Mr. Krier:

The Department of Natural Resources has reviewed the Badger Disposal of Wisconsin, Inc. Feasibility and Plan of Operation Report (FPOR) originally submitted on March 17, 2006 and all subsequent submittals for completeness and technical adequacy. The FPOR was prepared by Badger Disposal of Wisconsin, Inc. (Badger Disposal) and their consultant, Spectrum Engineering, Inc.

Based on the review of the submitted material, the Department has determined that the FPOR is complete and contains the minimum information required by chs. NR 660-673, Wis. Adm. Code. The Department has also made a preliminary determination that an environmental impact statement for the re-issuance of the hazardous waste license for Badger Disposal will not be required and that the needs criteria of s. 289.28, Wis. Stats., have been met. In addition, the Department has made a preliminary determination to conditionally approve the FPOR. A proposed conditional approval is attached.

Please note that you are required to provide a complete copy of the FPOR submitted for the re-licensing process to the clerk of the affected local municipalities and the local library, per s. 289.24(4), Wis. Stats.

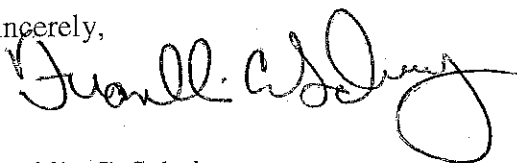
The Department will now accept public comments on the proposed determinations as required by s. 289.25(3), Wis. Stats., and s. NR 670.410(1)(a), Wis. Adm. Code. Comments will be received for 45 days following the publication of a Class 1 legal notice. The public notice will be published in the Wisconsin State Journal and the Milwaukee Journal Sentinel on March 15, 2007. In addition, an announcement of the opportunity for public comment will be broadcast over radio station WFMR 106.9 FM on the same date during morning and evening drive times.

The public notice and radio announcement will inform the public that the FPOR, the preliminary determination, the initial environmental assessment, the preliminary notice of the reaffirmation of the initial environmental assessment, and the fact sheet are available for review at the DNR Milwaukee office and the Milwaukee central public library. The Department is sending a copy of the preliminary determination, the initial environmental assessment, the press release reaffirming the decision of the initial environmental assessment, and the fact sheet to the Milwaukee central public library. Badger Disposal should send a complete, updated copy of the FPOR to the Milwaukee central public library before the public notice period begins on March 15, 2007. The public notice and radio announcement will state that the Department must receive comments within 45 days of the issuance of the public notice or by April 29, 2007. After the public comment period ends, the Department will consider all comments received during the public comment period before issuing a final determination.

Any comments received during the public comment period will be reviewed to determine if there is significant public interest in this project to warrant an informational hearing under s. 289.26, Wis. Stats., or to determine if the criteria of s. 289.27, Wis. Stats, have been met to require a contested case hearing.

Please note that this is a preliminary determination and is subject to change based on comments and additional information received by the Department. If you have any questions regarding the attached documents, please contact Sandy Miller at (414) 263-8675.

Sincerely,



Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

c: D. Kollasch - WA/3
U.S. EPA Region 5 - (Denise Reape, DE-9J; Wen Huang, DP-8J)
SER File

**BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**PRELIMINARY DETERMINATION
FEASIBILITY AND PLAN OF OPERATION REPORT**

**BADGER DISPOSAL OF WISCONSIN, INC.
EPA ID# WID988580056
FID# 241384000**

GENERAL FACILITY INFORMATION

Facility Name, Site Operator, and Address

Badger Disposal of Wisconsin, Inc.
Henry J. Krier, President
5611 West Hemlock Street
Milwaukee, WI 53223

Facility and Property Owner

Badger Investment Realty, LLC
5611 West Hemlock Street
Milwaukee, WI 53223

Facility Location

The Southwest 1/4 of Section 14, Township 8 North, Range 21 East
City of Milwaukee, Milwaukee County, Wisconsin

Facility Contacts

Henry Krier, President
Kandylee Schmit, Compliance Officer
414-760-9175

Consultant

Renee Smits, P.E.
Spectrum Engineering, Inc.
19395 West Capitol Drive
Brookfield, WI 53045
262-783-7725

Facility Description – Current Facility Operations

The facility at 5611 West Hemlock Street in Milwaukee began operations as EOG Disposal on September 1, 1990. A hazardous waste facility interim license was issued to EOG Disposal on March 15, 1994. The initial hazardous waste facility operating license was issued to EOG Disposal on December 16, 1996. In early 2003, the name of the facility changed from EOG Disposal to Badger Disposal of Wisconsin, Inc., as a result of an ownership change. On May 6, 2003, the Department approved a Class 1 license modification recognizing the ownership and name change.

Badger Disposal is located on approximately 3 acres of land. Badger Disposal is immediately surrounded by manufacturing, warehousing and other commercial activities. Badger Disposal serves over 900 clients of commercial, institutional, governmental and industrial companies nationwide that do not generate bulk quantities of waste.

Badger Disposal currently operates a licensed hazardous waste and nonhazardous waste storage facility within an existing building which consists of an 11,000 square foot licensed storage area and other non-regulated areas, such as a laboratory, reception area and administrative offices. The building is constructed of 12-inch thick outside walls and reinforced concrete floors. Six-inch high, ten-inch thick concrete berms are constructed where exits from the regulated storage area to non-containment areas exist. A 4-hour rated fire wall has been constructed with automatic fire doors which will close if excessive heat is detected, isolating the hazardous waste processing and storage area from the laboratory and office area.

The storage area in the existing warehouse building has the capacity to store up to 1,720 55-gallon containers (94,600 gallons) of hazardous and nonhazardous waste. The total capacity consists of a combination of hazardous waste and nonhazardous waste containers which are not to exceed a maximum of 720 55-gallon hazardous waste containers (39,600 gallons) and 1,500 55-gallon nonhazardous waste containers (82,500 gallons). Containers of nonhazardous waste and containers of hazardous waste solids and lab packs are stored two high. Containers of hazardous waste liquids are not stacked. Containers of hazardous waste liquids and lab packs are stored on 6 or 8 drum spill containment pallets which have capacity to contain at least 10% of the container volume.

The primary function of Badger Disposal is the bulking and transfer of hazardous and nonhazardous waste for recycling, fuel blending and other waste management methods. The majority of the wastes received at Badger Disposal are organic hazardous wastes (F001, F002, F003, F005 and D001 hazardous wastes) and nonhazardous wastes that are shipped off-site to be recycled or burned as a fuel in industrial furnaces. Badger Disposal is also approved to store corrosive, reactive and toxic characteristic hazardous wastes (D002-D043 hazardous wastes), listed hazardous wastes from non-specific sources (F-listed hazardous wastes), listed hazardous wastes from specific sources (K-listed wastes) and toxic and acute commercial chemical products and manufacturing chemical intermediates (U- and P- listed hazardous wastes). Wastes that are not burned as fuel are bulked for off-site metal recovery, neutralization and other waste management methods. Containers of waste that are not bulked are stored on-site until enough accumulate for an economical shipment off-site.

Badger Disposal accepts containers of lab-packed waste into its storage facility. The small containers in the lab-packs are not emptied, but are re-packed into larger lab-pack containers before they are shipped to off-site treatment, storage or disposal facilities. The lab pack container is re-packed while it is located on a spill containment pallet to minimize potential spills. The lab pack operations are performed in designated areas that are placarded and delineated by markings on the floor. Badger Disposal stores gas cylinders in its storage facility until enough have been accumulated for economical shipment to a permitted treatment or disposal facility. Badger Disposal was issued a conditional exemption for the storage and transfer of polychlorinated biphenyls (PCBs) on February 9, 2006. The conditional exemption allows Badger Disposal to store and bulk PCB wastes, such as ballasts, transformers and other PCB containing materials in the hazardous waste storage facility. Badger Disposal punctures aerosol cans using a puncturing device which de-pressurizes the cans and allows them to drain. The liquid contents of the aerosol cans are drained into a 55 gallon container and may be fuel blended. The drained aerosol cans are sent off-site for metal recycling.

Before containers of hazardous waste are shipped to Badger Disposal, a waste profile form is completed by the generator. The waste profile includes generator information, a waste description, general characteristics and composition such as viscosity, % water, total suspended solids, pH, BTU's, flash point, halogens, and metals content. Generators are required to re-submit waste identification forms annually. Profiles for containers of lab packed waste include an inventory list of laboratory chemicals packed in each drum. After the waste is received by Badger Disposal, the waste is sampled and analyzed to verify the properties of the waste stated on the waste profile form.

Badger Disposal also blends hazardous wastes so they can be burned as a fuel in off-site boilers and industrial furnaces, such as cement kilns. Containers of hazardous waste that are selected for fuel blending are staged inside the bermed warehouse area near Dock 2 located on the east side of the existing warehouse building. A 6,000 gallon vacuum truck trailer is backed over the berm and the contents of the selected drums are pumped into the trailer while it is parked within the containment area of the warehouse building. A liquid level control on the tanker indicates when the tanker is full. Before transport, a sample of the material in the tanker is obtained and analyzed to determine if the mixture meets fuel blending specifications. The valves are closed and capped and the trailer is inspected to make sure it is not leaking. A new manifest accompanies the outbound shipment which is transported to an approved cement kiln for use as a secondary fuel. Empty containers generated by pumping the waste into the vacuum truck are either crushed or stored at Badger Disposal until they shipped to a drum recycler.

Total Treatment Capacity

Badger Disposal treats hazardous wastes to meet fuel blending specifications. Fuel blending is currently performed in a 6,000 gallon vacuum truck parked within the spill containment area of the existing warehouse building. Badger Disposal is proposing to construct a blending area on the east side of the existing warehouse building where a 2,000 gallon blending tank will be located. Waste will be pumped from the blending tank to four 12,000 gallon storage tanks in the

proposed tank farm. See sheet 2 of 18 (July 1994) for the tank configuration. The blending tank and tank farm will replace the current fuel blending operations in the vacuum truck.

Total Hazardous Waste Container Storage Capacity

The maximum storage capacity in the existing warehouse building is 720 fifty-five gallon containers or 39,600 gallons of hazardous waste. The 39,600 gallon maximum capacity in the existing warehouse includes the 6,000 gallon vacuum truck into which the wastes are fuel blended. See drawing number 05490-D1 (08/25/06) for the layout of containers.

The maximum storage capacity in the proposed addition to the existing warehouse building is 492 fifty-five gallon containers or 27,060 gallons of non-ignitable hazardous waste. See Sheet 10 of 18 in Appendix P (June 1994) for the container layout in the proposed addition.

The maximum storage capacity in the proposed lab pack building is 145 fifty-five gallon containers or 7,975 gallons. See Sheet 11 of 18 in Appendix P (July 1994) for the container layout in the proposed lab pack building.

The maximum storage capacity in the proposed bulk solids area is six 20 cubic yard roll off boxes. See Sheet 3 of 3 in Appendix P (10/30/95) for the layout of the roll off box storage area. The maximum storage capacity of bulk solids storage in the existing warehouse building in the repack area and roll off loading area is one 20 cubic yard roll off box. See Drawing #05490-D1 (08/25/06).

Badger Disposal will use 5, 10, 14, 20, 30, 55, 85 gallon drums, 275 gallon totes and cubic yard bags and boxes to store hazardous waste in the existing warehouse building, the proposed addition to the warehouse building and the proposed lab pack building. After construction is completed, the maximum storage capacity for containers, other than roll off boxes, will be the equivalent of 1,357 fifty-five gallon containers, or 74,635 gallons.

Total Hazardous Waste Tank Storage Capacity

The maximum storage capacity in the proposed lab pack building will be two 5,500 gallon above ground tanks for a total of 11,000 gallons. See sheet 11 of 18 in Appendix P (July 1994). One tank will be used to store acid waste and one tank will be used to store basic waste.

The maximum storage capacity in the proposed tank farm will be four 12,000 gallon tanks for a total of 48,000 gallons. See sheet 12 of 18 in Appendix P (August 1994).

After construction is completed, the total quantity of hazardous waste stored in tanks will be 61,000 gallons which includes the 2,000 gallon fuel blending tank in the existing warehouse building.

Facility Operation - Proposed Construction

Badger Disposal proposes to construct the following units:

1. A new tank farm;
2. A new lab pack building;
3. Roll off/lugger box storage area; and,
4. An addition to the existing warehouse building.

1. The proposed tank farm: A 2,000 gallon fuel blending tank will be located in the repack area on the east end of the existing warehouse building. Solids which are suitable for fuel blending will be augered from drums and directed to the fuel blend tank. Liquids suitable for fuel blending will also be pumped into the 2,000 gallon fuel blending tank. A minimum liquid level will be maintained in the blending tank at all times to allow solids from the drum auger to be blended. The contents of the blending tank will be continuously mixed to achieve a homogeneous blend which will be pumped to the bulk storage tank system consisting of four 12,000 gallon carbon steel above ground storage tanks. The bulk storage tank system will be located in a 40 feet by 40 feet lined and coated concrete containment area provided with a canopy.

2. The proposed lab pack building: The totally enclosed lab pack building will be 104 feet by 60 feet and constructed to provide for the maximum storage of 145 55-gallon drums in 5 distinct containment areas. Each containment area will be 20 feet by 13 feet and designed to store up to 29 drums each of acidic, basic, ignitable, reactive waste or oxidizers. A containment area for drums of basic waste will be next to a 5,500 gallon above ground storage tank for basic waste. A containment area for drums of acidic waste will be next to a 5,500 gallon above ground storage tank for acid waste. Each of the tanks will be constructed of lined carbon steel, equipped with continuous readout non-contact ultrasonic level controls and located in a 15 feet by 15.5 feet room. The lab pack building will also have 5 lab-pack bays, which will be used to repack acidic, basic, ignitable, reactive wastes or oxidizers. Once the waste is repacked into 55 gallon drums, the waste will either be bulked into the acid or caustic storage tank in the lab pack building or transferred to the warehouse building where it will be processed into fuels or stored until it is shipped off-site for disposal or recycling. The lab pack building will also house a scrubber system, consisting of ventilation equipment, a carbon adsorber and an alkaline oxidation scrubber.

3. The proposed roll off/lugger box storage area: A maximum of 6 20-cubic yard roll off/lugger boxes will be stored on a 60 feet by 22 feet concrete slab enclosed with a canopy. The floor slab will be constructed of 8 inch thick reinforced concrete. Concrete curbing monolithically joined to the concrete floor slab will provide adequate secondary containment for the volume of one 20 cubic yard roll-off box. The roll off/lugger boxes will be used to store solid hazardous and nonhazardous waste of like chemical compatibility. Roll off/lugger boxes will be accepted from generators and shipped off-site under generic outgoing approvals. One roll off/lugger box stored inside the existing warehouse will be used to bulk waste. Fifty-five gallon containers of solids will be emptied into the roll-off box using the same variable speed hydraulically driven auger used to empty containers of hazardous waste destined for fuel blending.

4. The proposed addition to the existing warehouse building: The addition will be constructed to the south of the existing building and will add 40 feet by 150 feet of additional space for container storage. The addition will provide for the storage of a combination of up to 492 containers of non-ignitable hazardous waste and up to 984 containers of non-ignitable nonhazardous waste, not to exceed a maximum capacity of an equivalent of 984 55-gallon containers (53,900 gallons).

Re-licensing Procedures

The initial hazardous waste operating license for storing hazardous waste in containers and tanks was issued on December 16, 1996. The initial operating license is effective for 10 years from the date of issuance. On June 17, 2005, the Department issued a call-in letter to Badger Disposal requiring them to either pursue relicensing by submitting a Feasibility and Plan of Operation Report (FPOR) or notify the Department of its intent to close the facility. Badger Disposal has chosen to continue to operate its licensed hazardous waste storage facility. Badger Disposal submitted an FPOR, as required by s. NR 670.010(8), Wis. Adm. Code, on March 17, 2006. The FPOR submitted by Badger Disposal describes how the facility will conduct its operations in compliance with the applicable requirements of the Department's hazardous waste management rules, chs. NR 660 to 679, Wis. Adm. Code.

Determination of Need

The Department believes there is a need for the Badger Disposal facility to store and treat hazardous waste. The purpose of Badger Disposal's bulking and fuel blending facility is to collect and direct waste streams to reclamation and beneficial re-use operations wherever possible. The recycling of materials handled at Badger Disposal is most cost effective when managed in bulk quantities. Generators sending waste to Badger Disposal generate small quantities of waste which would otherwise be solidified and disposed in landfills or incinerated. The bulking operations at Badger Disposal allow these wastes to be directed to recycling or beneficial re-use programs rather than landfilling. Examples of these recycling and beneficial re-use programs include the blending of wastes for use as fuels at cement kilns and the use of wastewater for cooling and make-up water in the cement-making process.

Many of the companies sending waste to Badger Disposal generate waste in small quantities. The disposal of small quantities of waste by the generator can be difficult and expensive. Badger Disposal stores and bulks these smaller quantities of wastes into larger containers for eventual shipment off-site, which can decrease the treatment or disposal costs for the generator.

Licensing History (Approvals/Determinations)

On March 8, 1993, EOG Disposal submitted an application for an interim license to store hazardous waste. On March 15, 1994, the Department issued an interim license application determination which conditionally approved the interim license application. The interim license allowed EOG Disposal to store in containers the additional twenty-five hazardous waste codes resulting from the promulgation of the toxicity characteristic (TC) rule. A condition of the interim license required EOG Disposal to submit a FPOR within 180 days of the approval.

The FPOR was submitted in September 1994. The initial FPOR approval for hazardous waste storage was issued to EOG Disposal on April 19, 1996. The hazardous waste storage facility operating license was issued on December 16, 1996. In addition, the Department issued the following approvals for the facility:

- August 23, 1996 Conditional Approval for Legitimate Recycling Exemption – Hazardous Waste Burned for Energy Recovery/Fuel Blending and Marketing Activities.
- May 14, 1997 Construction Determination and License Modification Determination Second Phase of the Hazardous Waste Management Storage Facility to allow the storage of ignitable waste in the existing warehouse building.
- June 17, 2003 Conditional Class 1 Plan Modification Final Determination for Name and Ownership Change to Badger Disposal of Wisconsin, Inc.
- January 7, 2004 Class 2 Plan Modification Request to store hazardous waste containers two high without increasing the storage capacity.
- January 29, 2004 Conditional Class 1 Modification Determination – Revised Container Storage Layout
- April 6, 2004 Conditional Class 1 Modification Determination – Revised Container Storage Layout
- August 15, 2006 Temporary Authorization Request granting conditional approval to continue fuel blending operations since the May 14, 1997 conditional approval for the legitimate recycling exemption is no longer effective due to the adoption of the new Wisconsin hazardous waste administrative code.
- February 13, 2007 Re-issuance of the Temporary Authorization Determination for fuel blending operations

Regulatory Status of Fuel Blending

On August 1, 2006, the State of Wisconsin repealed and re-created the hazardous waste administrative code, chs. NR 600 to 690. The hazardous waste administrative code in effect at the time the initial license was issued to EOG Disposal allowed the Department to grant a recycling exemption under ch. NR 625 for fuel blending activities. A recycling exemption approval was issued to EOG Disposal on August 23, 1996. On August 1, 2006, ch. NR 625 was repealed. Fuel blending activities are now subject to full hazardous waste treatment facility requirements, including licensing. The Department issued a notice of the change in regulatory status to Badger Disposal on June 14, 2006 and requested Badger Disposal to submit a temporary authorization request to allow Badger Disposal to continue fuel blending activities, pending licensing. Badger Disposal submitted the temporary authorization request on July 10, 2006. The temporary authorization conditional approval issued by the Department on August 15, 2006 required Badger Disposal to include information regarding the fuel blending activities in the FPOR. The temporary authorization conditional approval was re-issued on February 13, 2007 and expires within 180 days or until a treatment license is issued by the Department.

If the Department's final decision is to approve the FPOR, a hazardous waste treatment facility operating license will be issued to Badger Disposal for the fuel blending activities. The Department does not consider the issuance of a treatment license to be either a new facility or an expansion of the existing Badger Disposal facility, since the fuel blending activities have

occurred at Badger Disposal since the ch. NR 625 exemption approval was issued on August 23, 1996. Badger Disposal is not changing their waste management activities; rather, the Department is changing administrative authority to regulate the fuel blending activity.

Closure

Badger Disposal expects to operate for the next 50 years with no partial closure of the facility anticipated. The FPOR includes a detailed closure plan and cost estimates for completing closure. The closure plan includes the removal of the maximum allowable quantity of hazardous waste stored and treated at the facility and decontamination procedures for all of the surfaces and equipment in the tank and container storage and treatment areas.

Financial Responsibility

The cost for final closure of the Badger Disposal facility is estimated to be \$181,495.00. The closure cost estimate is adjusted annually for inflation. Badger Disposal is required to maintain on file with the Department adequate proof of financial responsibility to cover the cost of closure. Currently Badger Disposal has on file an irrevocable letter of credit for closure.

The facility also maintains a pollution liability insurance policy for sudden environmental releases of \$1,000,000 per occurrence and \$2,000,000 annual aggregate.

FINDINGS OF FACT

The Department finds that:

1. Badger Disposal of Wisconsin, Incorporated (Badger Disposal) currently operates a hazardous waste container storage unit and treatment unit in an existing warehouse building, according to the facility standards stated in chs. NR 660 to 679, Wis. Adm. Code. A maximum capacity of 720 55-gallon containers of hazardous waste is stored in the existing warehouse building. A 6,000 gallon vacuum truck is used for fuel blending operations. The trailer of the vacuum truck is parked in the existing warehouse building while wastes selected for fuel blending are pumped from the containers into the trailer. Selective fuel blending is hazardous waste treatment subject to hazardous waste licensing requirements.
2. On March 15, 1994, the Department issued an interim hazardous waste storage license to EOG Disposal, Incorporated. The interim license allowed EOG Disposal, Inc., to store in containers the additional twenty-five hazardous waste codes resulting from the promulgation of the toxicity characteristic (TC) rule.
3. On April 19, 1996, the Department conditionally approved a FPOR submitted by EOG Disposal, Inc.
4. On August 23, 1996 the Department issued a recycling exemption conditional approval to EOG Disposal, Inc. under the authority of s. NR 625.07, Wis. Adm. Code, for the fuel blending of hazardous waste.
5. On December 16, 1996, the Department issued the initial hazardous waste storage facility operating license to EOG Disposal, Inc. The license is effective for 10 years.

6. On May 14, 1997 the Department issued a construction determination and license modification determination for the second phase of the hazardous waste storage facility allowing EOG Disposal to store ignitable hazardous waste in the existing warehouse building.
7. On June 17, 2003 the Department issued a conditional class 1 plan modification final determination to change the ownership of the facility to Badger Investment Realty, LLC. The name of the facility changed from EOG Disposal, Inc. to Badger Disposal of Wisconsin, Inc.
8. On June 17, 2005, the Department issued a call-in letter requesting Badger Disposal to either initiate closure or seek re-licensing of the facility by submitting a FPOR.
9. On August 24, 2005, Badger Disposal submitted an Incident Report for a fire that occurred on the property. The report indicated that samples of the debris, asphalt and soils in the affected area were collected and submitted for analysis.
10. On March 17, 2006, Badger Disposal submitted the FPOR and requested the Department to re-issue a 10 year operating license. A check in the amount of \$7,800 was included for the review fee.
11. On May 16, 2006, the Department issued a Notice of Incompleteness for the FPOR and requested a response by July 16, 2006.
12. On June 14, 2006, the Department sent a letter to Mr. Henry Krier, President of Badger Disposal, stating that new hazardous waste rules would be in effect sometime in August 2006. Mr. Krier was notified that the recycling exemption conditional approval issued under ch. NR. 625, Wis. Adm. Code, for the fuel blending activity at Badger Disposal would no longer exist after the new rules took effect. The Department acknowledged that affected facilities are not changing their waste management activities. Rather the Department is changing the administrative authority to regulate the activity from a recycling exemption approval to a licensed treatment activity. The Department requested Badger Disposal to submit a temporary authorization request by July 10, 2006 if it intended to continue fuel blending activities.
13. On July 6, 2006, Badger Disposal requested that the submittal date for its response to the FPOR notice of incompleteness be extended to September 16, 2006.
14. On July 10, 2006, Badger Disposal submitted a temporary authorization request to continue fuel blending activities.
15. On July 11, 2006, the Department granted an extension allowing Badger Disposal to submit its response to the May 16, 2006 FPOR notice of incompleteness by September 16, 2006.
16. On August 1, 2006, the revised State of Wisconsin hazardous waste administrative code was adopted.
17. On August 3, 2006, the Department received a complaint alleging that containers of hazardous waste and flammable materials were being stored outside on the east side of the Badger Disposal storage building. On August 3, the Department investigated the complaint allegations and found that the drums stored outside were empty.
18. On August 15, 2006, the Department issued Badger Disposal a temporary authorization conditional approval for fuel blending activities.
19. On September 15, 2006, the Department received Badger Disposal's response to the May 16, 2006 FPOR notice of incompleteness.
20. On October 4, 2006, the Department received information that soils had been excavated on the east side of the storage building. Badger Disposal informed the Department on October

- 4, 2006 that soils had been excavated to create a turn-out for the vacuum truck backing into the east loading dock for fuel blending operations. Badger Disposal informed the Department that crushed stone would likely be used for the turn-out.
21. On October 10, 2006, the Department collected samples from a pile of soil that was excavated on the east side of the storage building. The samples were submitted for VOC and PAH analysis.
 22. On November 15, 2006, the Department met with Badger Disposal and its consultant to discuss air emission requirements and ch. NR 664 subch. CC requirements that apply to the fuel blending operations. EPA permitting staff and DNR air compliance staff participated in the meeting. After the meeting, the Department sent an e-mail requesting Badger Disposal to submit specific information regarding the fuel blending operation to the Department by December 30, 2006.
 23. On December 14, 2006, the Department prepared a correspondence memorandum regarding the need for corrective action at Badger Disposal. The correspondence memorandum documents the Department's decision that corrective action at Badger Disposal is not necessary at this time.
 24. On December 26, 2006, Badger Disposal submitted replacement pages to Section 7 of the FPOR which included revised rejection procedures for incoming shipments of hazardous waste.
 25. On January 3, 2007, the Department received Badger Disposal's December 26, 2006 response to the Department's November 15, 2006 e-mail.
 26. On February 6, 2007, the Department requested additional information regarding a fire resulting from the bulking of metal bearing wastes on August 17, 2005.
 27. On February 6, 2007, Badger Disposal requested the Department to re-issue the temporary authorization for the fuel blending operation.
 28. In a letter dated February 7, 2007, Badger Disposal supplied the additional information regarding the fire on August 17, 2005.
 29. On February 13, 2007, the Department re-issued a 6-month temporary authorization approval for the fuel blending operation.

CONCLUSIONS OF LAW

The Department concludes that:

1. The Department promulgated chs. NR 660 through 670, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of chs. 289 and 291, Wis. Stats.
2. The Department has the authority to conditionally approve a FPOR if the conditions are necessary to ensure compliance with chs. NR 660 through 670, Wis. Adm. Code, pursuant to s. 289.30(6), Wis. Stats.
3. Pursuant to s. 289.31, Wis. Stats., and s. NR 670.050, Wis. Adm. Code, the Department may issue annual renewals of hazardous waste operating licenses for an effective period of up to 10 years. If the licensee chooses to operate or maintain a hazardous waste facility after the 10-year effective period ends, the licensee must submit, at least 180 days

- before the end of the effective period, a new operating license application consisting of a part A application form, the feasibility and plan of operation report and any supplemental information, as specified in s. NR 670.010(1), (3) and (8), Wis. Adm. Code and the applicable sections of chs. NR 660 to 670, Wis. Adm. Code.
4. The Department promulgated ch. NR 103, Wis. Adm. Code to preserve and protect the water quality of wetlands.
 5. Pursuant to s. 289.30(6), Wis. Stats., and ch. NR 670, Wis. Adm. Code, the Department has the authority to issue hazardous waste facility plan approvals.
 6. The conditions of approval set forth below are necessary to ensure compliance with chs. NR 660 through 670, Wis. Adm. Code.

DETERMINATION

In accordance with s. 289.28(3), Wis. Stats., the Department has determined that there is a need for the facility to store and treat hazardous waste as approved. The Department has further determined that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code, and that the existing facility conforms to wetlands water quality standards pursuant to ch. NR 103, Wis. Adm. Code.

Based on the Findings of Fact and Conclusions of Law, the Department hereby approves the hazardous waste feasibility and plan of operation report for Badger Disposal of Wisconsin, Inc., submitted on March 17, 2006 and amended on September 15, 2006 and December 26, 2006, subject to compliance with ch. 291, Stats., chs. NR 660 through NR 670, Wis. Adm. Code, and the following conditions.

CONDITIONS OF APPROVAL

Badger Disposal of Wisconsin, Inc. is subject to the following conditions:

General Conditions

1. The storage and treatment facility shall be operated in accordance with the approved Feasibility and Plan of Operation Report (FPOR), the requirements of ch. 291, Wis. Stats., chs. NR 660 to 670, Wis. Adm. Code, and the conditions of this approval.
2. The Department retains the right to modify this approval and to require the submittal of additional information. Nothing in this conditional approval shall relieve Badger Disposal of the legal obligation to comply with applicable federal, state and local approvals.
3. The conditions set out in s. NR 670.030, Wis. Adm. Code, apply to this facility and are hereby incorporated by reference and made a part of this approval and of any operating license which may be issued for the facility based upon this approval.

4. Badger Disposal shall comply with all applicable statutes and rules relating to spills, leaks, or other releases of hazardous waste or other hazardous substances, including ch. 292, Wis. Stats., subch. D of ch. NR 664, Wis. Adm. Code, and chs. NR 700 to 754, Wis. Adm. Code.
5. The licenses for operating the container storage units, the tank storage units and the treatment (fuel blending) unit are subject to the annual renewal of operating license fees listed in Appendix II, ch. NR 670, Wis. Adm. Code.
6. The Department reserves the right to require corrective action by Badger Disposal under the authority of s. 291.37, Wis. Stats., and chs. NR 660 to 670, Wis. Adm. Code.
7. Badger Disposal shall comply with all applicable requirements of the Department's air pollution control rules stated in chs. NR 400 to 499, Wis. Adm. Code, and directives including but not limited to obtaining all necessary permits to operate in accordance with these rules. Badger Disposal shall notify the Department of any change in operation that results in an increase in the maximum potential emissions of an air contaminant or which results in the emission of an air contaminant not previously emitted.
8. Badger Disposal shall comply with all applicable air management permit conditions and hazardous waste licensing conditions. When two or more operating limitations apply, the most stringent operating limitations take precedence.
9. Badger Disposal shall send a copy of the complete FPOR to the Milwaukee Central Library for public notice purposes and to each affected municipality no later than 15 days of this determination's issuance. Badger Disposal shall submit to the Department verification that a copy was sent within 15 days.
10. Trucks containing hazardous waste may not be parked on the public road adjacent to the Badger Disposal facility.
11. Badger Disposal shall maintain responsibility for the integrity and maintenance of that portion of the fence located on property not owned by Badger Disposal. If Badger Disposal cannot maintain responsibility for the fence, steps to re-locate the fence onto Badger Disposal property shall be taken immediately.
12. The drum crusher unit shall only be used to crush drums that are empty, as defined in NR 661.07(2), Wis. Adm. Code. Before using the drum crusher unit to crush non-empty drums, Badger Disposal shall submit a modification request for operation of a miscellaneous unit.
13. The aerosol can puncturing device shall be operated in accordance with good engineering practices. The air emissions from the puncturing operations shall be captured using a control device such as a carbon adsorption system. The carbon unit on the puncturing device shall be replaced with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life.

14. Empty containers stored outside shall be kept under cover or sheltered.
15. The surface area to the east of the existing warehouse building that is used to access Dock #2 for fuel blending operations shall be paved with an impervious surface. An outline of activities related to the paving of the roadway and turn-out, including timeframes, shall be submitted to the Department within one month of the date of the final feasibility and plan of operation determination. If the grading and paving operations are not according to sheet 3 of 16 in Appendix P of Volume II of the FPOR, Badger shall submit a class 1 modification request for the paving activity.
16. Badger Disposal shall supply information demonstrating compliance with NR 664.0032(4) within one month of the date of the final feasibility and plan of operation determination. Subsection NR 664.0032(4) requires the facility to be equipped with water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers or water spray systems.
17. The Department reserves the right to require corrective action by Badger Disposal of Wisconsin, Inc. under the authority of s. 291.37, Wis. Stats. and chs. NR 660 to 670, Wis. Adm. Code.

Specific Conditions For All Hazardous Waste Storage and Treatment Units

18. Badger Disposal may store or treat only hazardous wastes bearing the waste codes listed in the Part A application signed and dated March 3, 2006. Wastes with similar characteristics, yet different hazardous waste codes, may only be managed at the facility after receiving written approval from the Department following a modification to this determination and the submission of a revised Part A application.
19. Badger Disposal may not store hazardous waste in quantities greater than those stated below:
 - a. Existing warehouse: A maximum of 720 55-gallon containers or 39,600 gallons of hazardous waste or a maximum of 1,500 containers or 82,500 gallons of nonhazardous waste. If a combination of hazardous and nonhazardous waste containers is stored in the existing warehouse, the total quantity may not exceed 1,720 55 gallon containers or 94,600 gallons with no more than 39,600 gallons of hazardous waste and no more than 82,500 gallons of nonhazardous waste stored at any time. The quantity of 6,000 gallons of hazardous waste in containers waiting to be fuel blended or already pumped into the vacuum truck shall count towards the maximum capacity of 39,600 gallons of hazardous waste.
 - b. Addition to the existing warehouse: A maximum of 492 55-gallon containers or 27,060 gallons of non-ignitable hazardous waste or a maximum of 984 55-gallon containers or 54,120 gallons of nonhazardous waste. If a combination of hazardous and nonhazardous waste containers is stored, the total quantity may not exceed 984 55-gallon containers or 54,120 gallons with no more than 27,060 gallons of non-ignitable hazardous waste stored at any time.

- c. Tank Farm: A maximum of one 2,000 gallon above ground blending tank in the repack area of the existing warehouse and four 12,000 gallon above ground storage tanks in a tank farm.
 - d. Lab pack building: A maximum of 145 55-gallon containers or 7,975 gallons of hazardous waste with no more than 29 55-gallon containers or 1,595 gallons stored in each of 5 distinct containment areas. A maximum of two 5,500 gallon above ground storage tank with one tank storing acid waste and one tank storing basic waste.
 - e. Bulk solids storage area: One 20 cubic yard roll-off box of hazardous waste located in the repack area on the east side of the existing warehouse building. A maximum of six 20 cubic yard roll-off boxes of hazardous waste in the bulk solids storage area.
20. All hazardous waste storage and treatment activities shall be confined to the areas specified for those purposes in the approved FPOR.
21. Badger Disposal shall analyze each waste stream in accordance with the waste analysis procedures set forth in the waste analysis plan.
22. Prior to blending or storage, the compatibility of the waste streams to be commingled shall be evaluated by the direct mixing of samples of the two (or more) waste streams. If there is reason to believe that the waste to be blended is incompatible with the most recently blended waste and the equipment has not been decontaminated, a compatibility test will be conducted on samples of the waste and the previously blended waste.
23. Waste received from off-site shall be processed or moved into a container or tank storage area within 24 hours of the hazardous waste arriving at the facility.
24. Badger Disposal shall sign off on manifests within 24 hours of receipt of the wastes.
25. When storing containers two high, containers of equal or larger size or quantity shall be stored on the bottom level.
26. When containers greater than 20 gallons in size are stored 2 high, pallets shall be used to separate the first level from the second level.
27. A minimum aisle space of 3 feet between all of the rows of containers shall be maintained at all times. Lines shall be clearly marked on the floor to delineate the rows of containers from the aisles.
28. Containers shall be placed in the storage areas so that labels are visible from the aisles.
29. Placards shall be used to clearly identify the separate storage areas for the different types of hazardous wastes stored, such as poisons, reactive, corrosive, and ignitable wastes.
30. If a spill occurs in a containment pallet or on the floor, the containment pallet or floor shall be decontaminated in accordance with the FPOR before another type of waste is stored on the containment pallet or floor.

31. All uncontained wastes and accumulated liquids, such as precipitation and wash waters, located within the secondary containment systems shall be removed from the diked area daily and managed as hazardous or nonhazardous waste, in accordance with the FPOR and chs. NR 660 to 679 or chs. NR 500 to 590, Wis. Adm. Code.

32. Badger Disposal may not store materials or equipment whose volume will adversely affect the secondary containment capacity of the storage or treatment units, other than the equipment considered in the secondary containment system calculations included in the FPOR.

33. All concrete-surfaced secondary containment structures shall be re-sealed or repaired with a chemically resistant material as needed to maintain an impervious surface.

Specific Conditions – Existing Warehouse Building and the Addition

34. The storage of containers of nonhazardous waste is subject to the requirements stated in the solid waste license and chs. NR 500 to 555, Wis. Adm. Code.

35. Containers of hazardous waste liquids and lab pack drums shall be placed on spill pallets.

36. Containers of hazardous waste solids and lab packs may be stacked two high. Containers of hazardous waste liquids shall be stored on a single level.

37. Containers of nonhazardous waste and containers of hazardous waste may not be stored on the same spill containment pallet.

38. The containers shall be stored in the existing warehouse in the configuration depicted on drawing #05490-D1 dated 08/25/2006 except that containers of hazardous waste may not be stored in the two rows with no aisle space.

39. Containers of ignitable or reactive waste shall be located more than 50 feet from the property line except when containers are staged for loading or unloading onto a vehicle in the north loading dock (Dock #1). These staging activities shall be limited to the same calendar day as the waste delivery or pick-up day.

40. When containers are combined with other containers in the lab packs, the containers may not be opened. The contents of containers in the lab packs may not be combined with the contents of any other containers in the lab packs.

Specific Conditions – Construction of New Units

41. Badger Disposal may not treat or store hazardous waste in a newly constructed, modified or expanded portion of the facility until the following procedures are completed. Changes in the

types of hazardous waste handled or in the processes or equipment used to treat, store or dispose of hazardous wastes are examples which may constitute a facility expansion or modification.

a. Badger Disposal shall notify the Department at least 30 days prior to initiating construction at the site.

b. The proposed hazardous waste storage or treatment units shall be constructed in accordance with the approved FPOR, this conditional approval, the container standards stated in ch. NR 664 subch. I and the tank and ancillary equipment standards stated in ch. NR 664 subch. J, Wis. Adm. Code.

c. If the proposed construction of the storage or treatment unit does not meet the specifications stated in the approved FPOR, a modification request shall be submitted for Department review.

d. Within 15 days after completing construction, a written statement shall be submitted to the Department certifying that the facility was constructed in substantial compliance with the approved FPOR or subsequent modification approval.

e. Technical data, such as design drawings, design specifications and engineering studies shall be certified by a registered professional engineer.

f. The Department has inspected the newly constructed units or waived the construction inspection.

42. Before operating any RCRA air emission control devices constructed after the issuance of this determination, Badger Disposal shall submit to the Department a letter signed by an authorized representative and a registered professional engineer. The letter shall state that the portions of the facility covered by this approval (including all air emission control devices required by this approval) have been constructed in compliance with the applicable conditions of this approval. The air emission control devices may not be operated until either:

a. The Department has inspected those portions of the facility and finds them in compliance with the conditions of this approval; or

b. The Department waives the inspection, if the inspection is not conducted within 30 days from the receipt of the certification.

43. The notification of construction for the bulk solids storage area shall include a description of the procedures that will be followed to assure compliance with the containment standards stated in s. NR 664.0175(3), Wis. Adm. Code.

44. Sufficient aisle space shall be maintained in the bulk solids storage area to allow for unobstructed movement of personnel and equipment in an emergency and to allow for inspections of the storage area.

45. F020, F021, F022, F023, F026 or F027 wastes may not be stored in the bulk solids storage area unless the containment requirements of s. NR 664.0175(2), Wis. Adm. Code, are met.

46. The following detailed information shall be included with the notification of construction for the tank farm:

a. Spill containment calculations for the proposed tank farm which clearly indicates adequate containment capacity for the volume of one storage tank and a 25 year, 24 hour storm (see page 1 of Appendix A in Appendix H of the March 2006 FPOR).

- b. A revised plan for the tank farm loading/unloading pad which provides a minimum containment capacity for one 6,000 gallon tanker truck (see page 1 of Appendix A in Appendix H of the March 2006 FPOR).
- c. A description of the monitoring that will be conducted regularly on the ancillary equipment (see page 5-2 of the March 2006 FPOR).
- d. Specifications regarding containment and detection of releases, as required by s. NR 664.0193, Wis. Adm. Code.

47. Badger Disposal shall obtain and submit to the Department a written assessment for each new tank system or component, in accordance with s. NR 664.0192, at least 30 days before the tank is used to store or treat hazardous waste.

48. The following detailed information shall be included with the notification of construction of the lab pack building:

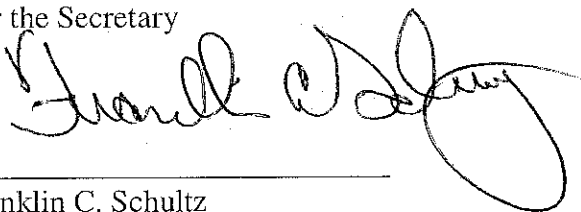
- a. Specifications for the liner used in the carbon steel storage tanks demonstrating chemical compatibility between the liner and the corrosive wastes stored in the tanks (see page 20 of Appendix K).
- b. Specifications regarding containment and detection of releases, as required by s. NR 664.0193, Wis. Adm. Code.

49. All containers that are being unpacked in the lab pack bays shall be moved back into the licensed container storage areas in the lab pack building by the end of the calendar day. The drum into which wastes are being packed may remain in the lab pack bay and shall meet the container standards stated in NR 664 subch. I, Wis. Adm. Code.

Dated: _____

February 28, 2007

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region



Sandra Miller
Waste and Materials Management Specialist
Licensing and Policy Review Coordinator

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.



May 25, 2007

Ms. Harriet Croke
US EPA Region 5
77 West Jackson Boulevard
DW-8J
Chicago, IL 60604

RECEIVED
JUN 04 2007

DIVISION OF
Waste, Pesticides, and
U.S. EPA - REGION 5

Dear Ms. Croke,

Enclosed please find an updated Compatability Procedure for the Feasibility and Plan of Operation Report for Badger Disposal of WI., Inc. The FPOR was submitted to you on September 14, 2006. This page is located in Appendix E of our Waste Analysis Plan – Appendix D. Please replace the existing pages with this revision.

If you have any questions please contact me at 414-760-9175.

Sincerely,
Badger Disposal of WI., Inc.


Kandylee Schmit
Compliance Officer

COMPATABILITY PROCEDURE FOR LIQUIDS

In a fume hood, put 150 ml of bulk liquid (material that the sample is ultimately to be combined with) in a 500 ml beaker.

Add approximately 40 ml of sample to the beaker and stir.

Put thermometer in beaker and note temperature. Monitor for change in temperature. Observe the mixture for the following:

- A. Exothermic reactions
- B. General reactivity
- C. Polymerization
- D. Settling or suspension of solids
- E. Breakdown of hard solids
- F. Thinning of grease or resins
- G. Vapor release

If no reaction, polymerization, settling, vapor release, if grease or resin thins, sample is compatible or compatible with agitation.

COMPATABILITY PROCEDURE FOR SOLIDS

Compatibility is determined by introducing a representative sample from each drum to be consolidated into an 8 ounce sample jar, 1 quart clear plastic bag or 5 gallon bucket depending on the size of the representatively sampled material. The sample is monitored for unusual behavior, i.e. exothermic reactions. If no reactions occur the sample is considered compatible. This procedure takes place at the time of consolidation.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

August 15, 2006

Mr. Henry Krier
Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

File Ref: FID# 241384000
HW/APP

Subject: Temporary Authorization Request

Dear Mr. Krier:

On August 23, 1996, the Department issued an approval allowing EOG Disposal, Inc. located at 5611 West Hemlock Street in Milwaukee, Wisconsin to conduct fuel blending operations under a recycling exemption issued under the rules in effect at that time, ch. NR 625, Wisconsin Administrative Code. On January 31, 2003, a change of ownership occurred resulting in a name change from EOG Disposal, Inc., to Badger Disposal of Wisconsin, Inc. On June 14, 2006, the Department issued a letter informing Badger Disposal of Wisconsin, Inc., (Badger Disposal) that new hazardous waste rules, effective August 1, 2006, would subject the fuel blending activities to full hazardous waste regulatory requirements for treatment facilities, including licensing. The Department requested Badger Disposal to submit a temporary authorization request by July 10, 2006 if Badger Disposal intended to continue fuel blending operations. Badger Disposal, Inc. submitted a temporary authorization request and a Class 2 modification request on July 10, 2006. Badger Disposal submitted additional information on July 20, 2006 and July 27, 2006.

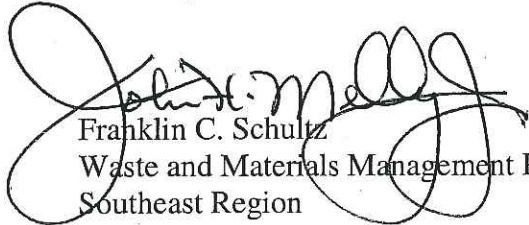
The Department has completed its review of the temporary authorization request and is granting a six-month temporary authorization. Badger Disposal, which is currently seeking to relicense its hazardous waste storage facility, submitted a Feasibility and Plan of Operation Report to the Department on March 17, 2006. The Department issued a Notice of Incompleteness on May 16, 2006 which requested a response by July 16, 2006. Badger Disposal was granted an extension allowing it to submit its Notice of Incompleteness response by September 16, 2006. As stated in condition # 4 of the attached determination, the revisions to the Feasibility and Plan of Operation Report should incorporate the fuel blending operations covered by the temporary authorization. The modifications due to the fuel blending activities will be handled through the relicensing process rather than a Class 2 modification request.

In the interim period after the new rules are in effect and before the Department re-issues a hazardous waste operating license, the temporary authorization will allow Badger Disposal to continue to perform fuel blending operations. This temporary authorization must be kept with

the feasibility and plan of operation report determination, the operating license and all plan modifications for the licensed facility.

Please contact Sandy Miller at (414) 263-8675 if you have any questions.

Sincerely,

 For FS
Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

c: Harriet Croke – US EPA Region 5
D. Kollasch - WA/3
SER File

**TEMPORARY AUTHORIZATION
TO CONDUCT FUEL BLENDING OPERATIONS**

BADGER DISPOSAL OF WISCONSIN, INC.

EPA ID# WID 988580056

FID# 241384000

GENERAL FACILITY INFORMATION

Facility Name and Address

Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223
(414) 760-9175

Facility Owner:

Badger Investment Realty, LLC
5611 West Hemlock Street
Milwaukee, WI 53223

Facility Location:

SW 1/4 of Section 14, Township 8 North, Range 21 East
City of Milwaukee, Milwaukee County, Wisconsin

Facility Contacts:

Henry Krier, President
Kandylee Schmit, Compliance Officer
414-760-9175

Total Storage and Treatment Capacity:

Badger Disposal has a hazardous waste facility operating license to store up to 720 55-gallon container-equivalent units in its existing storage building. The Feasibility and Plan of Operation approval issued on April 19, 1996 allows Badger Disposal to construct additional storage units including an addition to the existing building, a lab pack building, a tank farm and a lugger box storage building.

FACILITY DESCRIPTION

Badger Disposal operates a licensed hazardous waste and solid waste storage facility within an existing building which consists of an 11,000 square foot licensed storage area and other non-regulated areas, such as a laboratory, reception area and administrative offices. The building is constructed of 12-inch thick outside walls and reinforced concrete floors. Six-inch high, ten-inch

thick concrete berms are constructed where exits from the regulated storage area to non-containment areas exist.

The facility has operated since September 1, 1990 and is located on approximately 3 acres of land. Badger Disposal is immediately surrounded by manufacturing, warehousing and other commercial activities. Badger Disposal serves over 900 clients of commercial, institutional, governmental and industrial companies nationwide that do not generate bulk quantities of waste.

The primary function of Badger Disposal is the bulking and transfer of hazardous and nonhazardous waste for recycling and fuel blending. The majority of the wastes received at Badger Disposal are organic hazardous wastes (F001, F002, F003, F005 and D001) and solid wastes that are shipped off-site to be recycled or burned as a fuel in industrial furnaces. Badger Disposal is also approved to store corrosive, reactive and toxicity characteristic wastes (D002-D043 wastes), listed wastes from non-specific sources (F-listed wastes), listed wastes from specific sources (K-listed wastes) and toxic and acute commercial chemical products and manufacturing chemical intermediates (U- and P- listed wastes). These additional wastes are bulked for off-site metal recovery, neutralization and other waste management methods.

Badger Disposal accepts containers of lab-packed waste into its storage facility. Containers of compatible materials in the lab-packs are not emptied, but are re-packed into larger lab-pack containers before they are shipped to off-site treatment, storage or disposal facilities. Badger Disposal stores gas cylinders in its storage facility until enough have been accumulated for economical shipment to a permitted treatment or disposal facility. Badger Disposal was issued a conditional exemption for the storage and transfer of polychlorinated biphenyls (PCBs) on February 9, 2006. The conditional exemption allows Badger Disposal to store and bulk PCB wastes, such as ballasts, transformers and other PCB containing materials in the hazardous waste storage facility.

To determine if a waste is suitable for fuel blending, a sample of the generator's waste is analyzed for parameters such as viscosity, percent water, total suspended solids, pH, BTU value, flash point and halogen content before the waste is shipped to Badger Disposal. After it is shipped, the waste is again sampled and analyzed to verify that the properties of the waste are conducive to fuel blending. Containers of waste will be staged for pumping inside the bermed warehouse area near Dock 2 located on the southeastern corner of the existing storage building. A 6,000 gallon vacuum truck trailer will be backed over the berm and the contents of the drums are pumped into the trailer inside the storage building. A liquid level control on the trailer indicates when the trailer is full. Before transport, a sample of the material in the trailer is obtained and analyzed for fuel blending quality control purposes. The valves are closed and capped and the trailer is inspected to make sure it is not leaking. A manifest is prepared for the outbound shipment which is transported to approved cement kilns for use as a secondary fuel.

FINDINGS OF FACT

The Wisconsin Department of Natural Resources finds that:

1. On September 1, 1992, the Department adopted the federal toxicity characteristic (TC) rule which added twenty-five hazardous waste codes to s. NR 605.08, Wis. Adm. Code.
2. On March 15, 1994, the Department issued a hazardous waste interim license to EOG Disposal, Inc., located at 5611 West Hemlock Street in Milwaukee, Wisconsin for the storage of materials which became hazardous waste due to the adoption of the TC rule.
3. In September 1994, EOG Disposal submitted a Feasibility and Plan of Operation Report for a hazardous waste operating license.
4. On July 3, 1995, EOG Disposal, Inc., submitted a document titled, "Application for a Written Exemption from Hazardous Waste Treatment Requirements as a Recycling Facility Pursuant to Wisconsin Administrative Code, Chapter NR 625".
5. On April 19, 1996, the Department issued a Feasibility and Plan of Operation Report Determination to EOG Disposal, Inc. Condition # 91 of the FPOR required EOG to either obtain a recycling exemption from the Department or obtain a hazardous waste treatment license before conducting fuel blending activities.
6. On August 23, 1996, the Department issued a document titled, "Conditional Approval for Legitimate Recycling Exemption – Hazardous Waste Burned for Energy Recovery/Fuel Blending and Marketing Activities" in response to the July 3, 1995 submittal.
7. On April 9, 2003, EOG Disposal, Inc., submitted a class 1 plan modification request for the transfer of ownership and change of name to Badger Disposal of Wisconsin, Inc. The change in ownership occurred on January 31, 2003.
8. On May 6, 2003, the Department issued a preliminary determination for the ownership and name change. The preliminary determination became a final determination when comments were not received during the 30 day comment period.
9. On June 17, 2005, the Department issued a Feasibility and Plan of Operation Report Call-in letter requesting Badger Disposal to submit a Feasibility and Plan of Operation Report by December 17, 2005 if Badger Disposal intended to re-license the hazardous waste storage facility. On November 16, 2005, the Department extended the submittal date to March 17, 2006, per Badger Disposal's November 8, 2005 request.
10. On March 17, 2006, Badger Disposal submitted a Feasibility and Plan of Operation Report in response to the Department's call-in letter. The Department issued a notice of incompleteness on May 16, 2006. On July 11, 2006, the Department extended the submittal date for responding to the Department's notice of incompleteness to September 16, 2006, per Badger Disposal's July 6, 2006 request.
11. In a letter dated June 14, 2006, the Department informed Badger Disposal that the August 23, 1996 recycling exemption would no longer exist under the new hazardous waste rules expected to be in effect on August 1, 2006. Fuel blending would be regulated as a treatment activity subject to the licensing requirements in the new rule, ch. NR 670, Wis. Adm. Code. The letter informed Badger Disposal that it should submit a temporary authorization request if it intends to continue fuel blending activities. The letter also stated that a Class 2

modification request should be submitted and the review fee for the modification request would be waived.

12. On July 10, 2006, Badger Disposal submitted a temporary authorization request and class 2 modification request to allow the fuel blending activities to continue at Badger Disposal.
13. On July 11, 2006, the Department issued an incompleteness letter for the temporary authorization request.
14. On July 20, 2006, Badger Disposal submitted additional information regarding the temporary authorization request.
15. In an e-mail dated July 25, 2006, the Department requested additional information regarding the fuel blending activities.
16. Badger Disposal provided the additional information in a letter dated July 27, 2006.
17. On August 1, 2006, the new hazardous waste rules, chs. NR 660-679, Wisconsin Administrative Code, became effective.
18. On August 3, 2006, the Department clarified in an e-mail that Badger Disposal could continue fuel blending operations under the recycling exemption dated August 23, 1996 until the temporary authorization is issued.

CONCLUSIONS OF LAW

1. On June 1, 1998, the Department promulgated chs. NR 600 to NR 690, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
2. On August 1, 2006, the Department promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
3. The Department has authority pursuant to s. NR 670.042(5), Wis. Adm. Code, to approve a temporary authorization request.
4. The Department has authority pursuant to s. 289.31(1), Wis. Stats., and s. NR 670.415, Wis. Adm. Code, to issue a hazardous waste operating license.
5. The Department has authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.042(2) Wis. Adm. Code, to approve a class 2 modification to a license or plan of operation.
6. In accordance with s. NR 670.042(5), Wis. Adm. Code, the Department concludes that the revision described in Finding of Fact # 11 requires a Class 2 plan modification.

DETERMINATION AND CONDITIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby approves the six-month temporary authorization request under s. NR 670.042(5), Wis. Adm. Code, and in accordance with the license, the most recent plan of operation approval, modifications, and the conditions set forth as follows:

1. The Department reserves the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.
2. The licensee shall comply with all conditions of the license, the provisions of chs. 289 and 291, Wis. Stats., all applicable requirements of chs. NR 660 to 679, Wis. Adm. Code, the feasibility and plan of operation approval and all modifications thereof, and any special order or modifications thereto issued by the Department, except as otherwise authorized by the Department under s. NR 670.061 or 670.079, Wis. Adm. Code.
3. Badger Disposal shall immediately implement the procedural changes described in the July 10, 2006 temporary authorization request and subsequent submittals dated July 20, 2006 and July 27, 2006, including, but not limited to:
 - a. The tanker truck shall be accepted at Dock 2 located at the southeastern corner of the building.
 - b. The tanker truck shall be backed over the berm and loaded while the trailer is inside of the existing storage building.
 - c. The new Tanker Truck and Loading Area Inspection Log shall be used.
 - d. The new procedures shall be discussed at the next employee training session. The training shall be documented in the employee training records.
4. The information provided in the July 10, 2006, July 20, 2006 and July 27, 2006 submittals shall be incorporated into the revised Feasibility and Plan of Operation Report to be submitted to the Department by September 17, 2006.
5. This temporary authorization expires 180 days from the date of this determination.


NOTICE OF APPEAL RIGHTS

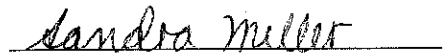
If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

Dated: August 15, 2006

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

 Son F.S.
Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region


Sandra Miller
Waste Management Specialist
Licensing and Policy Review
Southeast Region



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

July 11, 2006

Ms. Kandylee Schmit
Badger Disposal of WI, Inc.
5611 W. Hemlock Street
Milwaukee, WI 53223

FID#: 241384000
HW/LIC

Subject: Request for Extension

Dear Ms. Schmit:

This letter is in response to your letter dated July 6, 2006 requesting an extension for submitting your response to the Department's May 16, 2006 Notice of Incompleteness. Your response was due on July 16, 2006. The Department agrees to give Badger Disposal of Wisconsin an extension, per your request. Your response to the Notice of Incompleteness is due September 16, 2006.

By September 16, 2006, a complete copy of the revised Feasibility and Plan of Operation Report should be sent to Ms. Harriet Croke, U.S. EPA Region 5, 77 West Jackson Blvd, DW-8J, Chicago, IL 60604.

If you have any questions, please contact me at (414) 263-8675.

Sincerely,

Sandy Miller, CHMM
Waste Management Specialist

c: Ms. Harriet Croke – US EPA
SER File



July 10, 2006

Harriet Croke, DW-8J
US EPA Region 5
77 West Jackson
Chicago, IL 60604

Dear :

This letter is to inform you that Badger Disposal of WI., Inc. has applied to the State of Wisconsin Department of Natural Resources for a temporary authorization to allow continued fuel blending activities.

This notice is being provided to you as required by s. NR 670.042(5)(b)3 of the Wis. Adm. Code.

Sincerely,
Badger Disposal of WI., Inc.

Kandylee Schmit
Compliance Officer



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

May 16, 2006

Mr. Henry Krier
Badger Disposal of Wisconsin, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

File Ref: FID# 241384000
HW/LIC

Subject: Notice of Incompleteness
Feasibility and Plan of Operation Report
Badger Disposal of Wisconsin, Inc.
EPA ID# WID 988580056

Dear Mr. Krier:

The Department has reviewed the feasibility and plan of operation report (FPOR) submitted by Badger Disposal of Wisconsin Inc. (Badger) for their hazardous waste storage facility located at 5611 West Hemlock in Milwaukee, WI. The report titled, "Feasibility and Plan of Operation Report for a Hazardous Waste Storage Facility", was submitted on March 17, 2006. Based on this review, the Department has determined that the FPOR does not contain the minimum information required by chs. NR 600 through 685, Wisconsin Administrative Code. The areas of incompleteness and general information requested as a part of the licensing process are identified in this letter. A response addressing the general information and areas of incompleteness should be submitted within 60 days of the date of this letter.

When submitting information in response to this letter, the Department requests Badger to submit replacement pages or additional pages to the original document. Any replacement pages or additional pages submitted in response to this notice of incompleteness shall be marked as such and include the revision date. If necessary, Badger shall submit a cover letter explaining any specific information regarding how responses should be incorporated into the FPOR.

Areas of Incompleteness:

1. Section 2.6, page 2-4: It is stated that all gates are kept closed and locked during non-operating hours. A means to control entry should be provided at all times, as required in NR 630.14(2)(b)2, Wis. Adm. Code.
2. Section 2.14, page 2-11: It is stated that Badger requires all generators to initiate a Wisconsin manifest for incoming hazardous waste shipments. This statement should be revised if other shipping papers, such as bills of lading, are accepted for shipments into the facility.

3. Section 3: Pages 6 and 7 of the licensing review checklist for Chapter NR 640, container standards, supplied with the feasibility and plan of operation report indicate that certain information is found on page 3-18 which does not exist in the report. Some items discussed on page 3-18 include surface water drainage plans, final site topography, berms, vegetation and signs.
4. Section 3.1.16, page 3-12:
 - a. It is stated that the warehouse capacity is currently licensed to store 720 hazardous waste containers and 1,500 nonhazardous waste containers. The expansion will allow for an additional 984 nonhazardous containers and 492 non-ignitable hazardous containers. The storage areas are not large enough for these cumulative quantities of hazardous and nonhazardous waste containers. These maximum quantities should be restated as containers of nonhazardous waste or hazardous waste or some combination of nonhazardous and hazardous waste.
 - b. Badger should include specific information regarding the storage of the containers. For example, Badger is currently storing hazardous waste containers of solids and lab packs two high but is not stacking containers of hazardous waste liquid. The size of containers managed in the storage area should be described.
 - c. The lugger box storage is not included in the summary of quantities of waste stored on-site.
5. Section 4: The container standards section should be revised to include a general discussion of storage in lugger boxes.
6. Section 4.1, page 4-1: The floor of the container storage area is constructed of reinforced concrete. Information should be provided describing how the concrete floor is made impervious to the materials stored so it contains discharges, leaks or spills until the material is removed, per NR 640.13, Wis. Adm. Code. If an impervious coating is applied, the specifications of the coating and information regarding the frequency of application should be provided.
7. Section 4.7, page 4-3:
 - a. It is stated that the liquid wastes are transferred to a tanker truck in a closed-loop operation that does not result in air emissions. Badger should provide specific information regarding the closed-loop system.
 - b. The tanker truck is a level 2 container. Section NR 633.09(3)(b), Wis. Adm. Code, states that the transfer of hazardous waste in or out of a container using container level 2 controls shall be conducted in a manner to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices.
 - c. Badger should provide information demonstrating that the standards in NR 633.09(3)(c), Wis. Adm. Code, are met.
8. Appendix A, Part A: The site plan drawing indicates that the property to the east of the existing drum storage building is a separate parcel. Please verify the current owner of this property on which most or all of the proposed facility will be constructed.
9. Appendix B: Under the current rules, the fuel blending activities at Badger are subject to the requirements of NR 625.07, Wis. Adm. Code. However, under the new hazardous waste

rules expected to be in effect within the next few months, fuel blending activities will be regulated as treatment subject to general licensing requirements and unit specific licensing requirements, such as for containers and tanks. The additional information specified in NR 640.06(3) regarding treatment of waste in containers should be included in the FPOR for the current fuel blending operations.

10. Appendix D, Section 2, Page 3: It states that pre-qualification samples are periodically requested for verification and generators will be requested to periodically re-submit waste identification forms. Specific information should be provided regarding the circumstances when prequalification samples are requested and generators are requested to re-submit waste identification forms. For example, the waste analysis plan should state that the analysis of the waste is repeated when the process or operation generating the waste changes, per NR 630.12(3)(a), Wis. Adm. Code.
11. Appendix D, Section 3, page 4: It is stated that Badger will handle and store all cylinder and PCB wastes in the lab pack building only. This should be revised since Badger is currently storing PCB waste in the drum storage building under an exemption issued by the Department in February 2006.
12. Appendix D, Section 5.1, page 37: It is stated that the material is accepted if it meets acceptable criteria through inspection and/or analysis. The acceptance criteria for inspections and/or analysis should be specified.
13. Appendix D, Table 2, page 67: Rationale #11 states that wastes possibly containing dioxin or dioxin precursors will not be sampled. Describe how Badger verifies the compatibility of the waste with other waste in the storage facility without sampling and analysis.
14. Appendix F, page 7: It is stated that personnel carry out either administrative and/or operational functions. Different training is given to administrative and warehouse personnel. Badger should clarify which positions receive training for administrative or operational functions.
15. Appendix A of Appendix H: Containment area calculations:
 - a. Page 1: The containment summary table should be revised to include the quantity of waste stored in each area, the minimum capacity allowed by rule and the containment capacity as calculated for the facility.
 - b. Page 6 and 6a: The containment area calculations for the existing storage building may need revision. The calculations account for 90 4' x 8' pallets of hazardous waste and 180 4' x 4' pallets, double stacked, of non-hazardous waste or a total of 270 pallets. Sheet 1 of 1 shows 214 4' x 4' pallets.
 - c. If the tanker truck used for fuel blending is located in the loading dock, spill containment calculations should be provided for Dock 1. The calculations should include the precipitation from a 24 hour, 25 year storm. Any additional information for the loading dock as required in NR 640.13, Wis. Adm., Code, should also be provided.
16. Appendix I, Contingency plan:
 - a. Table 5 on page 12: The telephone number for Division of Emergency Government should be changed to 800-943-0003, as stated on page 5 of the contingency plan.
 - b. The contingency plan, including the evacuation plan, reflects operations for the facility after all proposed units have been constructed. Badger should provide a contingency plan for the current facility operations.

- c. The contingency plan should contain information on the storage of incompatible wastes and their location, per NR 630.22(1)(e)2, Wis. Adm. Code.
 - d. Information regarding the roads in and around the facility should be included in the contingency plan.
- 17. Appendix J, Closure plan:
 - a. The closure cost estimates may not incorporate any salvage value of the hazardous waste, per NR 685.07(3) (a)3, Wis. Adm. Code. In Table 4, the unit cost of five cents per gallon for the recycling/disposal of bulk liquid appears to account for a fuel value of the waste. The cost should either be justified or revised to reflect the cost of chemical treatment or incineration.
 - b. The decontamination procedure in Section 4.1 should include a visual inspection of each storage and treatment unit containment structure to determine if any cracks or imperfections exist which may result in a release to the environment.
- 18. Appendix K, Section 2.2.1, page 8: It is stated that Dock Number 1 is constructed of concrete. An impervious liner will be installed in the future. Since this dock is currently constructed, used for shipments of hazardous waste and the loading of the tanker truck during fuel blending, please explain why the impervious liner should not be installed upon approval of the feasibility and plan of operation report.
- 19. Appendix K, Section 2.2.1, page 8: Information regarding the management of storm water accumulating in the dock areas should be provided. The information should include the methods used to determine if the storm water has been contaminated and the ultimate disposition of the water currently.
- 20. Appendix K, Section 2.2.4, page 15: It is stated that automatic fire doors are located within the storage and processing building to isolate various areas in the event of a fire. The location of these fire doors are not indicated on Sheets 17 and 18 of 18. If these doors currently exist, their operation and location should be described and indicated on the emergency equipment layout sheets. The date of construction should also be stated.
- 21. Appendix K, Section 3.1, page 26: In the section titled, "Waste Types Accepted and Excluded", no information is provided regarding the types of waste that are not accepted at the facility. If no wastes are excluded, it should be stated in this section. If materials are specifically excluded, Badger should provide information describing the steps taken to assure prohibited waste types are not accepted into the facility.
- 22. Appendix L: Only the first page of the October 5, 2005 letter from the Waste Facility Siting Board to Badger Disposal is included. Additional pages of the letter should be provided.
- 23. Appendix N, Section 1, page 1: The project summary should include information regarding the history of the site, per NR 680.06(6)(a)1, Wis. Adm. Code. The history of the site should include land use over the years, past industrial operations and any known chemical releases.
- 24. Appendix N, Section 1.2, page 3: The listing of required permits should include other permits issued by the State, as well as permits issued by local and federal governments.
- 25. Appendix P, Sheet 4 of 16, Security Fence Plan:
 - a. Sheet 4 of 16 does not identify the buildings, the location of gates, gate control mechanisms and a key to the map symbols.
 - b. Clarify if Badger will have control of or construct a fence behind EOG Environmental.

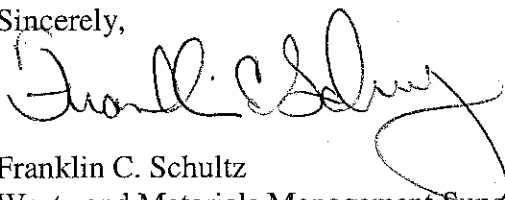
- c. The Security Fence Plan does not accurately depict the fence surrounding the current facility. A current diagram should include the gates currently used and the general location of warning signs posted around the facility.
26. Appendix P, Sheet 4, 5 and 6 of 18: The 0.5 mile radius map, plat map and local land use map are based on information from 1994. Badger should determine if any new construction or land use changes have occurred in the area since 1994, to meet the requirement stated in NR 680.06(c), Wis. Adm. Code.
27. Appendix P, Sheet 10 of 18, Sheet 1 of 1 and Figure 3 of the Part A: A comparison of the floor layout in the existing building and the existing building with the proposed addition indicates different storage configurations for the drums. Figure 3 of the Part A indicates a third floor layout. Sheet 10 of 18, the existing building with the proposed addition, indicates a container layout which has historically not allowed Badger to maintain aisle space requirements. These discrepancies should be addressed.
28. Many of the plans and diagrams are the same as those included in the 1994 FPOR and identify the facility as EOG. The FPOR should clearly indicate that all maps, sheets and text reflect operations at Badger Disposal rather than EOG Environmental.
29. The information required in NR 680.06(2m), Wis. Adm. Code, regarding compliance with plans and orders should be provided.
30. The FPOR should be revised to include a section that clearly states the current operations verses the proposed operations. Detailed information should be provided regarding the current lab packing operations and fuel blending operations in the container storage building.

Please submit two copies of all information provided in response to this letter. At the same time, a copy of the FPOR with the revised pages should be sent to Ms. Harriet Croke, US EPA Region 5, 77 West Jackson Boulevard, DW-8J, Chicago, IL 60604.

For your information, this letter is not a denial of the FPOR, but merely indicates that the Department has not received the minimum information as required by chs. NR 600 through 685, Wis. Adm. Code. Once you have satisfied the minimum informational requirements, the Department will review your submittal and render a determination on your FPOR.

If you have questions regarding this notice of incompleteness, please contact Sandy Miller at (414) 263-8675.

Sincerely,



Franklin C. Schultz
Waste and Materials Management Supervisor
Southeast Region

c: Kandy Lee Schmit – Badger Disposal
Renee Smits – Spectrum Engineering
Harriet Croke – US EPA Region V
SER File

B-1-1



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TTY 414-263-8713

June 17, 2005

File Ref: FID2413 84000

HW/LIC

Henry Krier, President
Badger Disposal of WI, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

RE: Feasibility and Plan of Operation Report (FPOR) Call-in Letter
Badger Disposal of WI Inc., 5611 West Hemlock Street, Milwaukee, WI
EPA ID# WID 988580056, Hazardous Waste License: Container Storage (#6026)

Dear Mr. Krier:

The Wisconsin Department of Natural Resources (WDNR) issued the initial hazardous waste operating license to the facility now operated by Badger Disposal of WI (Badger), on December 16, 1996. If Badger plans to continue operating its licensed hazardous waste facility beyond the end of the 10-year effective period of the license (for Badger the date is December 16, 2006), Badger must submit a revised feasibility and plan of operation report (FPOR). WDNR is requesting Badger to submit the required plans and reports by December 17, 2005.

In accordance with sec. 289.31, Stats., and sec. NR 680.45(6), Wis. Adm. Code., the WDNR may issue annual renewals of a hazardous waste operating licenses for an effective period of up to 10 years. If the licensee chooses to operate or maintain a hazardous waste facility after the 10-year effective period ends, the licensee must submit, at least 180 days before the end of the effective period, all of the plans and reports which are required before the application for a new operating license may be submitted, as specified in secs. NR 600.05, and 680.31(1), and the applicable sections of chs. NR 630 to 685, Wis. Adm. Code. An FPOR is the bulk of the required plans and reports. If the licensee has submitted in a timely and complete manner all the required reports and plans, sec. NR 680.45(6), Wis. Adm. Code, allows WDNR to extend the effective period of a license.

If Badger decides not to pursue licensing, it must notify WDNR of its intent within 90 days of the date of this letter. Please be aware that without an operating license, Badger will not be able to continue operating the hazardous waste container facility. Operation of these units must cease on the day the license expires, December 16, 2006. Closure must be performed in accordance with the approved closure plan and the applicable requirements of chs. NR 600 to 685, Wis. Adm. Code. Closure will need to be initiated at least 180 days prior to the expiration date of the license, in accordance with sec. NR 685.05, Wis. Adm. Code.

The remainder of this letter identifies what items must be addressed and included in the revised Badger FPOR. WDNR recommends that the report be prepared by an environmental consultant

with experience and expertise in the area of hazardous waste licensing. We can meet with you and your consultant to discuss the content of the report as well as any other questions that you may have.

General. The container storage units must comply with the plan and operational requirements of chs. NR 630, 640, 675, 680, and 685, Wis. Adm. Code. It is important that your report be complete and technically adequate. Failure to provide an adequate submittal may result in an unfavorable determination. Four copies of the report must be submitted to the WDNR in accordance with the plan submittal and certification requirements of sec. NR 680.05, Wis. Adm. Code. The four copies must be submitted to Patrick Brady, WDNR Southeast Region Headquarters, Milwaukee Service Center, 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee, WI 53212. The appropriate plan review fees must be included. All reports must be certified by a Wisconsin P.E. Portions of the report dealing with geology and interpretation of groundwater data must be certified by a hydrogeologist. Plan submittal requirements of sec. NR 680.05, Wis. Adm. Code, must be met.

Environmental Assessment/Wetlands. An environmental assessment is required under ch. NR 150, Wis. Adm. Code, for an FPOR of this type. Specific requirements that must be included in the FPOR that are necessary for completing this environmental assessment can be found in sec. NR 680.06(6), Wis. Adm. Code. To aid in determining the need for an environmental impact report or impact statement, the FPOR must include a discussion that adequately addresses the items specified in that section. WDNR cannot issue an FPOR determination without having completed an environmental assessment. In addition, the facility must demonstrate compliance with ch. NR 103, Wis. Adm. Code, water quality standards for wetlands.

Local Approval and Negotiation/Arbitration. Badger must notify local municipalities to determine if any new or additional requirements apply to the facility, and to receive confirmation from the municipality that Badger is complying with any local requirements, and that a waiver from local approval requirements is issued. If you determine that your facility is required to obtain local approvals under sec. 289.22, Stats., you may not submit your feasibility and plan of operation report until the 120 day waiting period has expired or you have obtained a waiver from the waiting period from the local governing body. Therefore, it is important to make this determination immediately. If you are required to obtain local approvals and enter into the negotiation and arbitration process for siting a hazardous waste facility under sec. 289.33, Stats., a copy of the attached Waste Facility Siting Board notice must accompany any written request for local approvals to each affected municipality (sec. 289.22(2), Stats.). In addition, your request for local approvals must be sent by certified mail. A copy of the local approval request to each affected municipality and its returned certified mail receipt must be sent to the Waste Facility Siting Board, and must be included in the feasibility and plan of operation report. The Siting Board address is located on the letterhead of the notice. You may wish to consult with your company's legal counsel on these sections of the statutes. You may wish to contact Patti Cronin of the Waste Facility Siting Board at (608) 267-7854. Again, we encourage you to determine the applicability of this section of the statutes to Badger immediately.

(This section, NR 680.06(1m), Wis. Adm. Code, does not apply to a facility unless the

expiration date is after 12-11-98, and the facility is seeking a class 3 modification.) In addition to seeking local approvals, sec. NR 680.06(1m), Wis. Adm. Code, requires Badger to hold at least one public meeting prior to submitting the feasibility and plan of operation report to the department. The purpose of the public meeting is to inform the community of the proposed hazardous waste activities, and to solicit questions from the community regarding the proposed activities. The meeting is to be public-noticed at least 30 days prior to the meeting taking place. Details of the public notice and other procedural matters relating to the "pre-application public meeting and notice" can be found in sec. NR 680.06(1m), Wis. Adm. Code.

Confidentiality. If any information is submitted under a claim of confidentiality, the confidentiality requirements of sec. 291.15, Stats., and secs. NR 2.19 and 2.195, Wis. Adm. Code, must be followed.

Needs. WDNR is also required by s. 289.28, Stats., to determine the need for a hazardous waste facility. This determination must be made at the feasibility stage of the licensing process. WDNR must consider the approximate service area of the proposed facility, taking into account the economics of waste collection, transportation, and disposal; the quantity of waste suitable for handling at the proposed facility generated within that service area; and the design capacity for certain facilities located within that anticipated service area. This information must also be included in the FPOR.

Noncompliance with Plans or Orders. Under sec. 289.34, Stats., WDNR may not approve a FPOR or issue an operating license for a hazardous waste facility if the applicant or any person owning 10% or greater legal or equitable interest in the applicant or the assets of the applicant either: 1. Is named in or is subject to a plan approved, or an order issued, by WDNR regarding any solid waste facility or hazardous waste facility in this state and is not in compliance with the terms of the plan or order; or 2. Owns or previously owned a 10% or greater legal or equitable interest in a person or the assets of a person who is named in and subject to a plan approved, or an order issued, by WDNR regarding any solid waste facility or hazardous waste facility in this state and the person is not in compliance with the terms of the plan or the order. Badger must provide information to WDNR to show that it complies with the above statute.

Corrective Action. In accordance with sec. NR 635.17, Wis. Adm. Code, facilities seeking a hazardous waste operating license are required to initiate corrective action as necessary to protect human health and the environment. As part of this submittal, Badger should provide a history of the corrective actions that have taken place at the site, a history of spills at the site over the last ten years and Badger's overall plan for corrective action at the site. If no known releases have occurred, that should be documented as well.

Suggested Format. WDNR has the following suggestions in regard to the format of the FPOR.

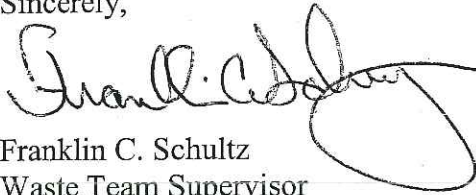
- Use the code as a guide for developing the table of contents.
- For page numbering pick a system where every page is numbered, where the page number includes the chapter the page is located in, one which will allow you to add revisions and additions, and will show the date of the page and whether it is a revision. An example would be: 5-13 (revised 4-16-98) where 5 is the chapter, 13 is the page and the date and the fact that

it is a revision is included. Another example would be: IV-27a (addition 4-21-98) where roman numeral 4 is the chapter, 27a is an additional page added directly after 27, and the date of the addition is also included.

- Have a section or appendix at the end of the submittal for the history of the submittal, which would include the correspondence, transmittal letters, which will help document the history of the FPOR, and any subsequent modifications.
- Include with the FPOR a copy of a checklist, which mimics the code and includes the location in the FPOR, which satisfies that code citation.
- Review examples of good submittals recommended by review staff.

Should you have any questions regarding these requirements or wish to arrange a meeting with us, please contact Patrick Brady, 414/263-8594.

Sincerely,



Franklin C. Schultz
Waste Team Supervisor
WDNR Southeast Region

cc. SER Casefile - (P. Brady)
Bureau of Waste Management - WA/3 (D. Kollasch, P. Chabot)
Peter Flaherty - LS/5
U.S. EPA Region 5, (Denise Reape, DE-9J; John Gaitskill, DW-8J)
SER R&R Contact (W. Ebersohl)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

PO Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

December 16, 1996

IN REPLY REFER TO FID#: 241384000
HW/LIC

Michael Vilione, President
EOG Disposal, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

RE: Hazardous Waste Management Operating License - #06026
Hazardous Waste Management Commercial Container Storage
EOG Disposal, Inc., 5611 West Hemlock Street, Milwaukee, Wisconsin
EPA ID# WID988580056

Dear Mr. Vilione:

Enclosed is the operating license for EOG Disposal, Inc.'s (EOG) hazardous waste management commercial storage facility. This facility is located at 5611 West Hemlock Street, Milwaukee, Wisconsin. Hazardous waste licenses are issued under the provisions of Chapters NR 600-685, Wisconsin Administrative Code. EOG is authorized to store hazardous waste in its hazardous waste storage facility as detailed in the feasibility and plan of operation report (FPOR) conditionally approved by the department on April 19, 1996.

All information on the license should be checked for accuracy. Please notify your local Department of Natural Resources district office of any errors or changes to this information. The department must also be promptly informed of any changes in ownership or any changes to the basic operation of the facility under the provisions of ss. NR 680.44, and NR 680.07, Wisconsin Administrative Code.

Your new license is effective December 16, 1996. Please note, however, that due to the annual licensing period of October 1st through September 30th set forth in s. NR 680.45(2), Wisconsin Administrative Code, this license is effective until September 30, 1997, and must be renewed prior to that date. This license duration period is a fixed term not to exceed 10 years from the date of the initial license issuance. EOG's license duration period expires on December 16, 2006. To store waste after this period, EOG will be required to submit a all necessary reports for an initial operating license covering hazardous waste storage. These reports, when required, shall be submitted 1 year prior to the end of the EOG license duration period.

The issuance of this operating license supersedes your March 15, 1994, interim license and the interim license is now revoked.

Issuance of this license is based on compliance with the administrative rules, the FPOR approval granted your facility, and compliance with any subsequent plan modifications issued by the department.

DEC 24 1996
DIVISION FRONT OFFICE
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5
Quality Natural Resources Management
Through Excellent Customer Service



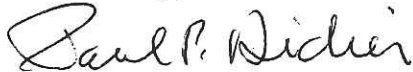
EOG Hazardous Waste Operating License - December 13, 1996

The storage at EOG is for 468 fifty-five gallon containers of hazardous waste in the existing warehouse building in the layout shown on Figure 1 in attachment 18 of the FPOR. The license includes acceptance of most waste codes excluding ignitable wastes. The hazardous waste container storage area is also part of a licensed solid waste storage area. This is the first phase of a series of hazardous waste management activities to be constructed at EOG that will require licensing.

For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wisconsin Statutes, EOG has 30 days after the decision is mailed or otherwise served by the department to file its petition with the appropriate judicial court and serve the petition to the department. The respondent in action for judicial review is the Department of Natural Resources. This notice is provided pursuant to s. 227.48(2), Wisconsin Statutes.

If you have any questions or comments regarding your license, please contact Patrick Brady at (414) 229-0845.

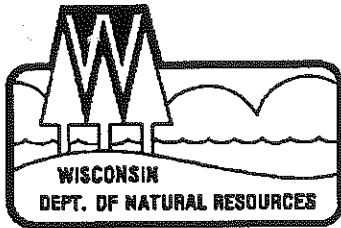
Sincerely,



Paul P. Didier, P.E., Director
Bureau of Waste Management

Enc.

c: SED Casefile (F. Schultz, W. Ebersohl, S. Miller, P. Brady)
Bureau - WA/3
H. Croak - U. S. EPA Region, 5HRP-8J



George E. Meyer
Secretary

10/18/95 original to Harriet
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building
4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

October 11, 1995

Michael Vilione, President
EOG Disposal, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

RECEIVED

OCT 13 1995

**OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V**

In Response Refer To: FID#241384000
County of Milwaukee
HW/LIC/eogcl.095

**SUBJECT: EOG Disposal, Inc., 5611 West Hemlock Street, Milwaukee, WI
EPA ID# WID003967148
Feasibility and Plan of Operation Report Notice of Completeness
& Preliminary Determination**

Dear Mr. Vilione:

The department has reviewed for completeness and technical adequacy EOG Disposal, Inc. (EOG)'s September 1994 feasibility and plan of operation report (FPOR). Additional information was received on February 27, 1995 and April 21, 1995. The FPOR was prepared by EOG and their consultants, RMT, Inc., and Graef, Anhalt, and Schloemer and Associates, Inc. The department has reviewed the FPOR for completeness and determined that the FPOR contains the minimum information required by chs. NR 630, NR 640, NR 645, and NR 680, Wisconsin Administrative Code, provided that conditions outlined in the attached preliminary FPOR determination are followed when it is finalized.

Attached to this cover letter is a draft cover letter, and a preliminary FPOR determination (draft) which the department is issuing at this time to comply with the requirement of s. NR 680.06(12), Wisconsin Administrative Code. In order that the department might receive comments and allow for a public notice of completeness and preliminary determination on the FPOR, a public notice will be published in the Milwaukee Journal Sentinel on October 11, 1995. The department must receive comments within 45 days of the issuance of the public notice, or by November 27, 1995.

The preliminary determination represents the department conclusion based upon available information that the FPOR, as modified by the conditions in the preliminary determination, when finalized will meet the minimum requirements necessary for a hazardous waste storage facility for the protection of human health and the environment. The preliminary determination is a draft and is subject to changes based upon comments and additional information. The preliminary determination does not authorize construction or operation of the hazardous waste facility.

Cover Letter Preliminary Determination - EOG - October 11, 1995

The following items are included as conditions in the preliminary FPOR determination. Please submit responses to these items within the next 30 days. These items are included in the preliminary FPOR determination in the same order (item #1 corresponds with condition #69) under the title, Additional Items, and will need to be addressed before a final determination is issued.

1. EOG shall provide details on the connections to the tanks in the lab pack building. EOG shall also include a narrative describing the filling and emptying of these tanks. EOG shall provide descriptions of the supports for these tanks. EOG shall explain how these tanks and their secondary containment units will achieve compliance with s. NR 645.09(4) and (5), Wisconsin Administrative Code.
2. EOG shall provide sidewall and bottom structural and corrosion calculations on the 6 proposed licensed hazardous waste tanks in accordance with s. NR 645.08, Wisconsin Administrative Code.
3. EOG shall have the submittal dated and all additional information submitted to complete the FPOR certified by a professional engineer certified in the state of Wisconsin. s. NR 680.05(1)(a)1., Wisconsin Administrative Code. The P.E. signature and stamp is for the state of North Carolina and explains that the engineer has applied for P.E. Status from the state of Wisconsin. A P.E. certification from the state of Wisconsin is required. In addition to the P.E. certification on the drawings, a P.E. certification should cover the entire submittal and any revisions and/or additions to the FPOR. Whenever any additions, revisions and/or modifications are submitted regarding the FPOR, EOG shall submit the documents under the certification of a state of Wisconsin P.E. s. NR 680.05(1)(a)1., Wisconsin Administrative Code.
4. EOG shall explain if the auger system will be directly vented to the vapor recovery system or through the carbon unit to the atmosphere.
5. In response to #41 of the December 9, 1994, notice of incompleteness, EOG was requested to make changes to table 2, located in attachment 3, pages 39 through 58. No changes were observed in table 2. EOG shall make the requested changes to table 2. EOG shall also explain whether the analyses listed in table 2 are the only analyses performed on the waste.
6. In your response to #43 and #44 of the December 9, 1994, notice of incompleteness, EOG states that samples received on-site will be analyzed by an on-site chemist. EOG shall confirm that the on-site analysis, which is part of the waste analysis plan, shall be carried out in a laboratory which is certified or registered under ch. NR 149,

Cover Letter Preliminary Determination - EOG - October 11, 1995

Wisconsin Administrative Code. EOG makes the distinction between waste characterization and determining the acceptability of waste materials. Both are part of the waste analysis plan and therefore both shall be performed by a laboratory which is certified or registered under ch. NR 149, Wisconsin Administrative Code, as required by s. NR 630.13(2), Wisconsin Administrative Code. EOG shall provide a clear explanation and provide revised language for the FPOR.

7. In attachment 5, section 5.1, the seventh line states, "A minimum of ten percent of the containers ... shall be sampled", and the next line states, "All incoming wastes are sampled." EOG shall provide further clarification on their sampling and provide replacement language in attachment 5, section 5.1, which clarifies their sampling.
8. EOG shall revise the Waste Profile Sheet in attachment 5, appendix A, so that it clearly shows if the results are from testing, generator knowledge, or some other method.
9. In response to #45 of the December 9, 1994, notice of incompleteness, EOG shall provide replacement text which refers to attachment 17 rather than attachment 15.
10. In response to #50 of the December 9, 1994, notice of incompleteness, EOG refers to, "north of the paved roadway," in response to where trucks might be waiting. EOG shall further explain whether that area is the parking lot north of their proposed office building or on Hemlock Street and provide revised language in the FPOR reflecting this point. This area should be identified on a plan sheet.
11. In #54 of the December 9, 1994, notice of incompleteness, EOG was requested to submit to the department a specific time table laying out their plans for construction on their hazardous waste management facility. EOG must again submit a more specific time table. In addition to their response, EOG shall submit a proposal for seeking licensing of the facility and their anticipated time table for requesting licensing and whether this will be requested all at once or in stages.
12. In your response to #65 of the December 9, 1994, notice of incompleteness, EOG shall address how the containment area for the lab pack container storage area complies with the requirements of s. NR 640.13, Wisconsin Administrative Code, and how the containers will be protected from contact with accumulated liquids.
13. In response to #73 of the December 9, 1994, notice of incompleteness, no information was presented on the outbound shipment of containers. EOG shall include information on the outbound shipment of containers.

Cover Letter Preliminary Determination - EOG - October 11, 1995

14. As a response to #80 of the December 9, 1994, notice of incompleteness, EOG shall inform the department whether spare parts are kept on site for any of the units of importance, where operation of the facility could be stopped because of need to wait for a replacement part.
15. EOG shall incorporate their responses to #84, #86, and #87 of the December 9, 1994, notice of incompleteness into the body of the FPOR.
16. Even though only solids will be stored in the lugger boxes, EOG shall provide adequate containment capacity as required by s. NR 640.13, Wisconsin Administrative Code. EOG shall submit plans showing how they comply with all of the containment requirements of s. NR 640.13, Wisconsin Administrative Code.
17. EOG shall confirm that:
 - a. the lugger boxes will always have gaskets around the openings on the sides,
 - b. the lugger boxes will always remained covered with an exception for filling,
 - c. the exterior of the lugger boxes will be clean before they are placed outside, and
 - d. that adequate access to inspect the lugger boxes will be available.
18. EOG shall explain how the containment area for containers in the lab pack building complies with the requirements of s. NR 640.13, Wisconsin Administrative Code, for preventing contact between the containers and any accumulated liquid.
19. EOG shall explain how they will respond to spills in the catch basins located in the south and northeast sections of the property.
20. If hazardous waste cylinders are to be stored on site, EOG shall explain what precautions will be taken in handling and storing these cylinders.
21. Some confusion has occurred between the original submittal and the followup submittals because of use of attachment in both. The department could not always tell if the attachments in subsequent submittals were designed to fit into the original attachments of the same number, some other attachment, or be an additional attachment. EOG shall explain how these attachments shall be incorporated and submit a revised table of contents that reflects any changes.

Cover Letter Preliminary Determination - EOG - October 11, 1995

In response to these requested items, EOG shall submit replacement pages or additional pages to the original document. Any replacement pages or additional pages should be marked as such and include the date of the response submittal. EOG shall also submit a cover letter explaining their responses to these individual points.

At this point in time, the department considers the related fuel blending activities including the blending tank to be hazardous waste treatment but will regulate these activities as part of a hazardous waste recycling exemption for hazardous waste burned for energy recovery, s. NR 625.07, Wisconsin Administrative Code, and beneficial use or reuse, s. NR 625.08, Wisconsin Administrative Code. We have received your July 3, 1995 request for this recycling exemption and are continuing to review this request.

Should you have any questions, please contact Patrick Brady at (414) 229-0845.

Sincerely,

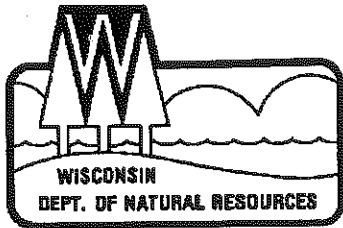


Patrick J. Brady
Waste Management Engineer



Walter A. Ebersohl
Hazardous Waste Management Section Supervisor
Southeast District

- c. SED Casefile (W. Ebersohl, P. Brady)
Bureau - SW/3 - HWMS (E. Lynch)
U.S. EPA Region 5 - HRM/7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

"DRAFT" (October 11, 1995) "DRAFT"

In Response Refer To: FID# 241384000
County of Milwaukee
HW/LIC/eogcla.095

Michael Vilione, President
EOG Disposal, Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

SUBJECT: EOG Disposal, Inc., 5611 West Hemlock Street, Milwaukee, WI
EPA ID# WID003967148
Feasibility and Plan of Operation Report Determination

Dear Mr. Vilione:

The department has reviewed for completeness and technical adequacy EOG Disposal, Inc. (EOG)'s September 1994 feasibility and plan of operation report (FPOR) requesting a hazardous waste operating license. Additional information was received on February 27, 1995 and April 21, 1995. The FPOR was prepared by EOG and their consultants, RMT, Inc., and Graef, Anhalt, and Schloemer and Associates, Inc.

A preliminary determination to conditionally approve the feasibility and plan of operation report was issued by the department on October 11, 1995. Your comments on the preliminary determination were received on _____ and conditions modified by the department where appropriate. With the following exceptions, the department adopted your proposed changes to the preliminary determination detailed in your letter received _____.

Those exceptions are:

Based on the review of the submitted material, it is our opinion that your proposed hazardous waste storage facility provides for satisfactory hazardous waste storage provided the conditions in the attached FPOR final determination are followed. The facility and operating plan are, therefore, approved subject to compliance with Chapters NR 600 through 685, Wisconsin Administrative Code, and to fulfillment of the conditions listed in the attached

"DRAFT"

Cover Letter Determination - EOG - (October 11, 1995)

"DRAFT"

FPOR final determination. The department reserves the right to require changes in the FPOR should conditions arise making such necessary.

The attached final determination includes conditions. Please review the final determination carefully. The Department believes that these conditions are necessary for EOG to comply with chs. NR 600 through 685, Wisconsin Administrative Code.

A needs assessment of the proposed facility has been completed and the department has also determined that an environmental impact statement is not needed, and that wetlands water quality standards (ch. NR 103, Wisconsin Administrative Code) have been met.

Please be reminded that construction inspection and construction documentation review fees pursuant to ch. NR 680, Wisconsin Administrative Code, are required after construction activities are completed.

Should you have any questions regarding this final determination, please contact Patrick Brady at (414) 229-0845.

Sincerely,

Patrick J. Brady
Waste Management Engineer

Walter A. Ebersohl
Hazardous Waste Management Section Supervisor
Southeast District

- c. SED Casefile (W. Ebersohl, P. Brady)
Bureau - SW/3 - HWMS (E. Lynch)
U.S. EPA Region 5 - HRM-7J (Jean Gromnecki)

"DRAFT"

(October 11, 1995)

"DRAFT"

**BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**PRELIMINARY DETERMINATION
FEASIBILITY AND PLAN OF OPERATION REPORT**

**EOG DISPOSAL, INC.
EPA ID#: WID988580056
FID#: 241384000**

GENERAL FACILITY INFORMATION

Facility Name, Site Operator, and Address:

EOG Disposal, Inc.
Michael Vilione, President
5611 West Hemlock Street
Milwaukee, Wisconsin 53223

Facility Owner:

Michael Vilione, General Partner
or
VK Investments
(address same as above)
and
Megal Development Corporation
P.O. Box 18661
Milwaukee, WI 53218, or
12650 West Lisbon Road
Brookfield, WI 53005

Facility Location:

SW 1/4 of Section 14, Township 8 North, Range 21 East
City of Milwaukee, Milwaukee County, Wisconsin

Facility Contacts:

Michael Vilione, President
Henry Krier, Vice President of Operations
Kandylee Schmit, Compliance Officer
(address same as above)
phone (414) 353-1156

Consultants:

RMT, Inc.

Douglas A. Wierman, C.P.G., Project Manager
Timothy H. Danzer, C.H.M.M., Project Environmental Scientist
999 Plaza Drive Suite 100
Schaumburg, IL 60173-5407
(708) 995-1500

John A. Cimermancic
20900 Swenson Drive
Milwaukee, WI 53186-4050
(414) 798-9550
WI Professional Engineer No. E-19697

Graef, Anhalt, Schloemer, and Associates, Inc.

Wayne Fassbender
R. Schumacher
345 North 95th Street
Milwaukee, WI 53226
(414) 256-4060

Engineering and Environmental Services

Ronald T. Bannister
P.O. Box 3009
Hickory, NC 28603
(704) 328-2991

Total Storage Capacity:**Tank Storage Capacity:**

Two 5,500 gallon tanks in the proposed lab pack building, (one tank is designated for acid wastes and the other is designated for basic wastes, layout is shown on sheet 11 of 18 in attachment 18 of the FPOR)

Four 12,000 gallon tanks in the proposed tank farm, (layout is shown on sheet 12 of 18 in attachment 15 of the FPOR)

Container Storage Capacity: Maximum total capacity of 1269 fifty-five gallon containers and 7 twenty cubic yard roll-off containers

720 fifty-five gallon hazardous waste containers in existing warehouse building, (area is shared with solid waste containers, set layout is shown on sheet 10 of 18 in attachment 15 of the FPOR)

404 fifty-five gallon non-ignitable hazardous waste containers in the planned addition to the existing warehouse building, (area is shared with solid waste containers, set layout is shown on sheet 10 of 18 in attachment 15 of the FPOR)

145 fifty-five gallon hazardous waste containers in five designated bays in the lab pack building, (the bays are designated for acid, basic, flammable, reactive, and oxidizer wastes and are each limited to 29 fifty-five gallon containers, layout is shown on sheet 11 of 18 in attachment 15 of the FPOR)

6 twenty cubic yard containers north of the lab pack building, (layout is shown on sheet 3 of 16 in attachment 19 of the FPOR)

1 twenty cubic yard container in the existing warehouse building, (layout is shown on sheet 10 of 18 in attachment 15 of the FPOR)

Approval Limitations:

1. This approval does not extend to the storage of unknown or miscellaneous hazardous wastes. This approval is specifically for storage of wastes identified in your most recent PART A Application (February 15, 1995) and to wastes specifically identified in your Feasibility and Plan of Operation Report (FPOR). Wastes with similar characteristics or of a similar nature (ie. listed for a similar reason or similar toxicological properties) can

be stored at the facility by receiving written approval from the department following a plan modification request.

2. EOG may store hazardous waste only in accordance with the requirements of chs. NR 600 through 685, Wisconsin Administrative Code, the FPOR, and the conditions of their approvals. In cases where there is not agreement amongst the FPOR and conditions of their approval, the conditions of the approval shall take precedence.

Facility Description:

EOG is an interim licensed hazardous waste storage facility and a solid waste storage and processing facility which provides limited hazardous waste services and solid waste services to generators of solid and hazardous waste. EOG has operated the facility since September 1, 1990. EOG has sale offices in Illinois, Minnesota, Utah and Texas. EOG currently provides services for over 1,300 clients which include a variety of commercial, institutional, governmental, and industrial companies nationwide that do not generate bulk quantities of waste. The primary function of this facility is the bulking and transfer of hazardous and nonhazardous waste in order to gain access to secondary markets which include recycling and fuel blending.

Because some of the materials EOG handled are considered solid waste by the state of Wisconsin, but not considered solid wastes by the federal government, these materials; 1) would not have been affected by the federal implementation of the Toxicity Characteristic (TC) rule, 2) would only have become hazardous waste because of the state of Wisconsin's implementation of the TC rule, and 3) would be eligible for an interim license from the state even though they did not receive interim status from the federal government. The state of Wisconsin promulgated the TC rule effective September 1, 1992. On November 11, 1992, EOG submitted an interim license application to the department, which was within three months after the original effective date of the rule that first rendered EOG subject to the requirement to obtain an operating license. For EOG's waste streams to be eligible for an interim license from the state because of the implementation of the TC rule, the waste streams had to satisfy the following parameters; 1) the waste stream was handled by EOG before the promulgation of the state rule, and 2) the material would be considered a solid waste by the state of Wisconsin but would not meet the federal definition of a solid waste, and 3) the waste stream is a hazardous waste only because of the T waste codes, and would not have been a hazardous waste because of the previous Extraction Procedure (EP) toxicity requirements.

EOG received an interim license for hazardous waste storage on March 15, 1994. As a condition of their interim license EOG was required to submit a FPOR as part of the stepped

process in obtaining a hazardous waste operating license. In their FPOR, EOG proposes a hazardous waste operating license for storage of most types of hazardous waste in:

1. four 12,000 gallon aboveground storage tanks in a new tank farm,
2. two 5,500 gallon aboveground storage tanks in a new lab pack building,
3. seven 20 cubic yard containers with one in the existing warehouse building and the remaining six on a new concrete pad, and
4. 69,795 gallons in fifty-five gallon containers in the existing warehouse building and in a planned addition to the warehouse building and in the lab pack building.

EOG's hazardous waste interim license for storage covers storage of 39,600 gallons in 55-gallon drums for a limited range of hazardous waste types. With the additional items proposed in their FPOR, the facility would greatly expand their capability to handle a wide variety of hazardous waste.

EOG proposes to maintain container storage in their existing building. This area allows for storage of up to 644 hazardous waste containers and 1288 non-hazardous waste containers. However, because of setback requirements for ignitable materials, this area will allow for storage of up to 404 ignitable hazardous waste containers and 808 ignitable non-hazardous waste containers. The allowable layout of containers in this storage area is shown on sheet 10 of 18 in attachment 15 of the FPOR. The building shall provide adequate secondary containment for container storage. The building is approximately 150 feet by 80 feet with most of the area designated for container storage. This container storage area as well as other container storage areas at the facility are designed for storing fifty-five gallon drums.

Also located in the existing warehouse building will be a container processing area. As a container approaches the drum auger operation, a decision is made on the eventual disposition of the contents of the container. Solids unsuitable for fuel blending will be dumped into a 20 cubic yard container. As the 20 cubic yard containers are filled, they will be stored on a 20 foot by 60 foot concrete pad just north of the lab pack building. Solids and liquids suitable for fuel blending will be conveyed to a 2,000 gallon tank for blending. Process vapors will be condensed to collect volatile solvents. This hazardous waste treatment tank will be regulated under the hazardous waste recycling exemption regulation for hazardous waste burned for energy recovery.

EOG is also seeking a hazardous waste license for expansion of the existing warehouse building to provide for additional storage of up to 492 hazardous waste containers and 984 non-hazardous waste containers. Storage in this addition would be limited to non-ignitable

waste. The expansion will add 40 feet by 150 feet of additional space. The building should provide for adequate secondary containment for the container storage.

EOG is also proposing to build a lab pack storage and processing building. This building will be 104 feet by 60 feet. This building will provide container storage for 145 containers in designated pods for acidic, basic, flammable, reactive and oxidizer waste. These individual pods are capable of holding a maximum of 29 containers each in a set layout. The storage pods are 20 feet by 13 feet and provide for adequate containment. The building will also contain 5 lab pack bays each 10 feet by 12 feet. In the lab pack bays, lab pack quantities of waste are repacked into larger quantities for bulking to tanks contained within the lab pack building, or transferred to the process building for processing into fuels, and prepared for ultimate shipment for disposal or recycling. The building will also have bulk storage of waste acid and waste caustic in two designated 5,500 gallon tanks. Each of the tanks is located in a 15 foot by 15.5 foot room which should provide for adequate containment. The allowable layout of containers in this building is shown on sheet 6 of 18 in attachment 15 of the FPOR.

EOG is also proposing to build a covered tank farm for storage of hazardous waste in four 12,000 gallon tanks. The 40 square foot sealed concrete storage pad should provide for adequate containment.

Hazardous wastes that can be stored on site will include the following waste codes: Characteristic hazardous wastes, D001 to D043; Listed solvent wastes, F001 to F005; Electroplating and metal heat treating wastes, F006 to F012; Hazardous wastes from non specific sources, F019 to F028, F032, F034, F035, F037 to F039; Hazardous waste from specific sources, K001 to K011, K013 to K052, K060 to K062, K064 to K066, K069, K071, K073, K083 to K088, K090 to K118, K123 to K126, K131, K132, K136, K141 to K145, K147 to K151; Acute hazardous wastes, P001 to P018, P020 to P024, P026 to P031, P033, P034, P036 to P051, P054, P056 to P060, P062 to P078, P081, P082, P084, P085, P087 to P089, P092 to P099, P101 to P111 to P116, P118 to P123; Commercial chemical products and manufacturing chemical intermediates, U001 to U012, U014 to U039, U041 to U053, U055 to U064, U066 to U103, U105 to U174, U176 to U194, U196, U197, U200 to U223, U225 to U228, U230 to U240, U242 to U244, U246 to U249, U328, U353, U359.

Hazardous wastes will only be received and stored in DOT shippable containers. Hazardous wastes will be typically contained in 55 gallon drums.

Facility Construction:

EOG plans to complete the construction of the facility within 12 to 36 months. Construction is planned to take place in phases. The first phase consists of retrofitting the existing

building to meet requirements for storage of hazardous waste. The second phase will be the construction of the lab pack building. The third phase will be the construction of the tank farm. An additional item which EOG has requested permitting for is an expansion of the existing building.

Closure:

The expected life span of the facility is fifty years, so the anticipated closure date for the facility would be 2045. The FPOR includes a detailed closure plan and closure cost estimates. The closure plan covers the container storage areas (including the two areas where 20 cubic yard containers are stored), the tank storage areas, and any tools and equipment. The plan includes the removal of the maximum allowable quantity of hazardous waste that can be maintained in the storage units, and decontamination of all surfaces and equipment that may have been in contact with the hazardous waste.

Financial Responsibility:

The total closure cost of the facility is estimated to be \$200,376.00. The facility shall maintain a letter of credit to cover the total closure cost cited above or any updated estimate.

The facility shall maintain a pollution liability insurance policy for sudden environmental releases of \$1,000,000 per occurrence and \$2,000,000 annual aggregate.

FINDINGS OF FACT

The Department finds that:

1. EOG owns and operates a hazardous waste storage facility at 5611 West Hemlock Street, Milwaukee. A notification form was submitted on February 22, 1991, and EOG was identified as a large quantity generator; a treater, storer, disposer; and a generator marketing to burner. A Part A application was submitted on July 18, 1991. Revised Part A applications have been submitted on December 1, 1992, February 24, 1993, and February 15, 1995.
2. The state of Wisconsin promulgated the TCLP rule effective September 1, 1992. On November 11, 1992, EOG submitted an interim license application to the Department. The application included a revised Part A application which included treatment in a 50,000 gallon tank for waste fuel blending. On March 4, 1993, EOG resubmitted their application for an interim license to store hazardous waste. The application included a revised PART A application which covered storage in drums only.

3. On March 15, 1994, the Department issued an interim hazardous waste storage license to EOG. A condition of the license determination was that EOG submit to the department a feasibility and plan of operation report for obtaining a final operating license within 180 days of receiving their interim license.
4. EOG submitted a feasibility and plan of operation report to the department in September of 1994. A plan review fee of \$6,500 for review of the report was submitted on September 22, 1995.
5. The department issued a notice of incompleteness on the report on December 9, 1994.
6. In response to the notice of incompleteness, EOG submitted additional information on February 27, and April 21, 1995.
7. Additional information submitted in connection with the feasibility and plan of operation report includes the following:
 - a. "Application for a New Source Non-Part 70 Construction and Operating Permit, December 1994", received by the department on February 28, 1995.
 - b. "Recycling Exemption Application, July 3, 1995", for a hazardous waste recycling exemption from the hazardous waste treatment requirements, received by the department on July 3, 1995.

CONCLUSIONS OF LAW

1. The department has promulgated chs. NR 600 through 685, Wisconsin Administrative Code, establishing minimum requirements for hazardous waste management under the authority of ss. 144.60 and 144.74, Wis. Stats.
2. The department has the authority to conditionally approve a feasibility and plan of operation report if the conditions are necessary to comply with chs. NR 600 through 685, Wisconsin Administrative Code, pursuant to s. 144.44(3), Wis. Stats.
3. The conditions of approval set forth below are necessary to ensure compliance with chs. NR 600 through 685, Wisconsin Administrative Code.
4. The department has promulgated ch. NR 103, Wisconsin Administrative Code, to preserve and protect the water quality of wetlands.

DETERMINATION

In accordance with s. 144.44(2)(nr), Stats., the department has determined there is a need for the facility to store hazardous waste as approved. The department has further determined that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Stats., and ch. NR 150, Wisconsin Administrative Code, and that the existing and proposed facilities conform with wetlands water quality standards pursuant to ch. NR 103, Wisconsin Administrative Code.

Based on the Findings of Fact and Conclusions of Law, the department determines that EOG's hazardous waste storage facility feasibility and plan of operation report is hereby approved subject to compliance with chs. NR 600 through NR 685, Wisconsin Administrative Code, and the following conditions:

CONDITIONS OF ISSUANCE

EOG is subject to the following conditions:

General Conditions

1. EOG shall comply with all conditions of the license, the provisions of ch. 144, Wisconsin Statutes, all applicable requirements of chs. 600 through 685, Wisconsin Administrative Code, any plan approval and modification thereof and any special order and modification thereof issued by the department, except as otherwise authorized by the department under, ss. NR 600.09 or NR 680.50, Wisconsin Administrative Code.
2. It shall not be a defense for EOG in an enforcement action that it would have been necessary to halt or reduce the licensed activity in order to maintain compliance with the conditions of the license.
3. All renewal applications, and all other reports or other information submitted to the department by EOG shall be signed and certified as specified in ch. NR 680, Wisconsin Administrative Code.
4. EOG shall store hazardous waste in waste management units listed on the most recent Part A permit application form submitted to the Department on February 27, 1995.
5. EOG may not treat, store, or dispose of hazardous waste in a modified or expanded portion of the facility, until EOG has received written approval from the department. Changes in the types of hazardous waste handled or in the processes or equipment used

to treat, store, or dispose of hazardous wastes are some examples which may constitute a facility expansion or modification. EOG may not treat, store, or dispose of hazardous waste in any newly constructed, modified or expanded portion of the facility, if the department has determined that the construction requires a plan submittal and subsequent approval, until:

- a. The requirements of s. NR 680.31, Wisconsin Administrative Code, are met;
 - b. EOG has submitted to the department, by certified mail or hand delivery, a construction observation report signed by the licensee and sealed by a registered professional engineer, documenting that the construction is in compliance with the license and any department plan approval; and
 - c. The department has inspected the newly constructed, modified, or expanded portion of the facility and finds it in compliance with the license and any department plan approval; or the department has notified EOG in writing that the inspection requirement under s. NR 680.42(5)(c), Wisconsin Administrative Code, is waived.
6. EOG shall at all times maintain in good working order and operate efficiently all facilities and systems of treatment or control and related appurtenances which are installed or used to achieve compliance with the terms and conditions of the license. Proper operation and maintenance includes, but is not limited to, effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
 7. EOG shall, upon request of any officer or employee of the department, allow department personnel, at reasonable times and with notice no later than upon arrival, to:
 - a. Enter licensee's premises where a regulated facility or activity is located or conducted or where hazardous waste records are kept;
 - b. Have access to, and copy at reasonable times, records or labels that are being kept;
 - c. Inspect at reasonable times any facility's equipment, including monitoring equipment, or operations regulated under the license; and

- d. Sample or monitor any substance or parameters at any location where a regulated facility or activity is located or conducted, in compliance with the requirements of s. 144.69, Wisconsin Statutes.
- 8. In the event of noncompliance with the license, EOG shall take all necessary steps to minimize discharges to the environment, and shall take all necessary steps to minimize any adverse impacts on human health or the environment.
- 9. EOG shall furnish information needed to determine whether cause exists to modify, revoke, or to determine compliance with, the license. The licensee shall also furnish, upon request, copies of records required by the license.
- 10. When EOG becomes aware that there was a failure to disclose relevant facts in any reports, plans, or other documents submitted, or that incorrect information was submitted, EOG shall promptly submit such facts or correct information to the department.
- 11. The license, if issued, does not convey any property rights of any sort, or any exclusive privilege.
- 12. EOG shall submit required documentation and take any action which is necessary to ensure protection of human health and the environment. The department may require such documentation or action after inspecting the facility or reviewing any submittals, reports, or plans.
- 13. The EOG license, if issued, may be modified or revoked for the reasons listed in ss. NR 680.07 and NR 680.43, Wisconsin Administrative Code. The submittal of a request by EOG for a license modification or termination, or a notification of planned changes or anticipated noncompliance, does not stay the effectiveness of any licensing condition.
- 14. EOG shall analyze each waste stream in accordance with the waste analysis procedures set forth in the waste analysis plan.
- 15. EOG shall comply with the following:
 - a. Identification number requirements in s. NR 630.11, Wisconsin Administrative Code;
 - b. General waste analysis requirements in s. NR 630.12, Wisconsin Administrative Code;

- c. Waste analysis requirements in ss. NR 630.13(1), 640.06(3), 645.06(3)(c), and 645.15, Wisconsin Administrative Code;
 - d. Generation and removal requirements in s. NR 630.20(4), Wisconsin Administrative Code;
 - e. Closure of noncomplying portions requirements in s. NR 630.20(5), Wisconsin Administrative Code;
 - f. Security requirements in s. NR 630.14, Wisconsin Administrative Code;
 - g. Contingency plan and emergency procedures requirements in ss. NR 630.21 and 630.22, Wisconsin Administrative Code;
 - h. Personnel training requirements in s. NR 630.16, Wisconsin Administrative Code;
 - i. Manifest, recordkeeping, and reporting requirements in s. NR 630.30, 630.31, and 630.40, Wisconsin Administrative Code;
 - j. General inspection requirements in ss. NR 630.15, 640.12 and 645.11, Wisconsin Administrative Code;
 - k. General storage standards in ss. NR 645.06, 645.07, 645.08, 645.09, 645.10, 645.12, and 645.17, Wisconsin Administrative Code;
 - l. Requirements for ignitable, reactive, or incompatible wastes in ss. NR 640.14, 640.15, 645.06(3), 645.13, and 645.14, Wisconsin Administrative Code.
- 16. EOG shall comply with the closure requirements in ss. NR 640.16, NR 645.17 and NR 670.10, Wisconsin Administrative Code.
 - 17. EOG shall maintain proof of financial responsibility for closure and liability coverage pursuant to ss. NR 685.07 and 685.08, Wisconsin Administrative Code.
 - 18. EOG shall comply with all applicable requirements of Air Management rules (e.g., Chapter NR 445, Wisconsin Administrative Code) and directives, including, but not limited to, obtaining all necessary permits to operate in accordance with these regulations.

19. EOG shall comply with air emission standards for process vents, ch. NR 631, Wisconsin Administrative Code, and equipment leaks, ch. NR 632, Wisconsin Administrative Code. The proposed decant operation will be impacted by these regulations. However, plans are conceptual at this time. When detailed plans denote, among other items, equipment identification and counts, and lists of valves, pumps, flanges, etc., and plans are submitted to the Department, EOG shall submit a complete leak detection and repair program to the Department.

Specific Conditions

20. EOG shall send a copy of the complete FPOR to each affected municipality's local library and U.S. EPA within 15 days of this determination's issuance. The EPA copy shall be mailed to Ms. Harriet Croak, U.S. EPA Region 5, 5HRP-8J, 77 West Jackson, Chicago, Illinois 60604. EOG shall submit to the department verification that copies were sent within 15 days.
21. EOG shall construct the proposed facility in accordance with the approved FPOR and this conditional approval.
22. EOG shall not operate the proposed tank and container storage units until the department has approved the construction documentation required and all conditions of approval are met.
23. EOG shall notify the Department at least 30 days prior to initiating construction at the site.
24. EOG shall submit a signed final operating license application for the existing hazardous waste storage within 30 days, and for new units within 30 days of completion of construction of those units, in accordance with s. NR 680.31, Wisconsin Administrative Code. The following items shall accompany application submittals:
 - a. liability financial responsibility documentation,
 - b. closure cost financial responsibility documentation for each phase, and
 - c. the appropriate fee for a hazardous waste storage facility license. Refer to s. NR 680.45, Table 12, Fee Schedule, Wisconsin Administrative Code.
25. EOG shall submit to the department a construction documentation report within 30 days of completion of construction, and shall have an independent professional engineer,

registered in the State of Wisconsin, document facility construction and certify whether the facility has been constructed in substantial conformance with the FPOR, and in accordance with s. NR 680.08, Wisconsin Administrative Code.

26. EOG shall notify the department of any significant changes from the proposed facility. EOG shall provide as-built drawings if there are any discrepancies between the proposed facility and the constructed facility.
27. The Department has authority to conduct construction inspection(s) under ss. NR 680.09(2), Wisconsin Administrative Code, for construction at the site. EOG shall pay the department construction inspection fees in accordance with s. NR 680.09(3)(b), Wisconsin Administrative Code, with each phase of construction documentation submitted to the department. The department shall be notified at least two weeks before each phase of construction commences.
28. This license is subject to annual license operating fees listed in Table XII, s. NR 680.45, Wisconsin Administrative Code, for container and tank storage. EOG shall maintain compliance with the annual licensing fees.
29. Within 24 hours of the hazardous waste arriving at the EOG facility, EOG shall process or move into a container or tank storage area all hazardous waste received from off-site.
30. EOG shall indicate on the hazardous waste manifest, prepared for sending waste off their site, all waste codes applicable to the hazardous waste prior to the commingling, recontainerization, or bulking of hazardous waste on-site.
31. The secondary containment system shall be operated to prevent any migration of wastes or accumulated liquid out of the system into the soil, groundwater or surface water at any time, pursuant to ss. NR 640.13 and NR 645.09, Wisconsin Administrative Code. The secondary containment system shall be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.
32. The secondary containment structure shall be maintained to be liquid tight and free of cracks and gaps. Surface water run-on and run-off shall be prevented and managed pursuant to s. NR 630.20(3), Wisconsin Administrative Code.
33. All uncontained wastes and accumulated liquids (e.g., precipitation, wash waters) located within the secondary containment diking shall be cleared from the diked area daily and managed as a hazardous or solid waste as appropriate in accordance with chs.

NR 600 to 685, or chs. NR 500 through 590, Wisconsin Administrative Code, and the FPOR.

34. Since the containment area for containers and the blending tank in the original building will not strictly be used for storage and containment, EOG shall not store other materials in this area that are incompatible with the waste streams or that will significantly affect the containment capacity excluding the drum auger operation and associated equipment.
35. EOG shall replace any permeable curbing in the existing building with concrete curbing.
36. All concrete surfaces secondary containment structures shall be sealed with a chemically resistant material (e.g., epoxy mastic sealant).
37. Containers holding a hazardous waste which is incompatible with any other waste or other materials stored nearby shall be kept separate from the other wastes or materials or protected from them by means of a dike, berm, wall, or other device. s. NR 640.15, Wisconsin Administrative Code
38. Spills reporting: EOG shall immediately report all spills and discharges of hazardous waste outside of hazardous waste storage secondary containment structures and all spills of 10 gallons or greater of hazardous waste inside of the designed hazardous waste secondary containment structures at its facility and implement any necessary action in accordance with the requirements of ch. NR 158 and s. NR 630.22(2)(c), Wisconsin Administrative code. Releases of hazardous waste or other hazardous substances in volumes of less than 10 gallons within the secondary containment structure of a designated hazardous waste storage area shall be recorded and reported to the Department on a quarterly basis. This report shall include the type and quantity of waste spilled, the location of the release, the source of the release, what actions were taken to cleanup the release and what actions will be taken to prevent a release from recurring. If no spills or discharges occur, then EOG shall send a letter to the department stating there has been none.
39. Response to leaks or spills. In the event of a leak or a spill from a tank, or if a tank or processing equipment becomes unfit for continued use, EOG shall remove the equipment from service immediately and complete the following actions:
 - a. Take appropriate action to clean-up any release of waste immediately after removing the equipment from service.

- b. Remove all waste from the equipment or secondary containment unit within 24 hours of the detection of the leak or spill to prevent further releases and to allow inspection and repair of the unit.
 - c. Determine cause of the release.
 - d. Make all necessary repairs to fully restore the integrity of the unit before returning it to service.
 - e. All wastes resulting from the clean-up of a spill or leak shall be managed as a hazardous waste.
 - f. EOG shall report the spill or leak to the Department's Southeast District Headquarters within 24 hours of its discovery.
40. EOG shall notify the Division of Emergency Government and comply with the requirements of s. NR 630.22(2) and ch. NR 158, Wisconsin Administrative Code and 144.76, Wisconsin Statutes, if a discharge of hazardous waste or hazardous substance, or a fire or explosion occurs at the licensed facility.
41. EOG shall report to the Department any noncompliance which may endanger human health or the environment. The information which is required to be included in a written report under this paragraph shall be provided orally to the appropriate district office of the Department within 24 hours from the time EOG becomes aware of the circumstances. A written report shall be submitted within 5 days of the time EOG becomes aware of the circumstances. The Department may allow up to 15 days to submit a written report if an extension is requested by the licensee. The written report shall contain:
- a. Name, address, and telephone number of the owner or operator.
 - b. Name, address, and telephone number of the facility.
 - c. A description of the noncompliance and the period of noncompliance, including exact date and time, and if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue.
 - d. Name and quantity of material involved.
 - e. The extent of injuries, if any.

- f. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable, including information concerning the release of any substance which may cause contamination of a drinking water supply.
 - g. Estimated quantity and disposition of recovered material that resulted from the incident.
 - h. The known or suspected causes of the noncompliance and statement describing the measures taken to investigate the noncompliance to determine its cause.
 - i. Steps taken or planned, to reduce or eliminate and prevent reoccurrence of the noncompliance.
42. Waste minimization: EOG shall certify annually (by February 1 of each year) that it has a program in place to reduce the volume and toxicity of hazardous waste it generates to the degree determined by EOG to be economically practicable, and that the proposed method of treatment, storage or disposal is that practicable method currently available to EOG which minimizes the present and future threat to human health and the environment.

Specific Conditions - Waste Analysis

43. EOG shall monitor and analyze the hazardous waste transported to the storage units in accordance with the methods and procedures described in the latest waste analysis plan submittal, which include waste pre-acceptance and incoming loads procedures, post-treatment evaluation analyses protocol, inspection and sampling methodology, analytical techniques, process operations, and quality assurance/quality control (QA/QC) program elements.
44. Prior to blending or storage, the compatibility of the waste streams to be commingled shall be evaluated by a direct mixture of samples of the two (or more) waste streams. If there is reason to believe that the waste to be blended is incompatible with the most recently blended waste and the equipment has not been decontaminated, a compatibility test will be conducted on samples of the waste, and the previously blended waste.
45. EOG shall sign off on manifests of wastes received onsite within 24 hours of receipt of the wastes.

Specific Conditions - Tanks

46. EOG shall not place hazardous wastes in a tank if the wastes could cause the tank, its ancillary equipment, or the containment structure to rupture, leak, corrode, or otherwise fail.
47. EOG shall inspect the following components of each tank once each operating day;
 - a. Overfill control equipment (e.g., waste feed cut-off).
 - b. The area immediately surrounding the tank, to detect erosion or signs of releases of hazardous waste.
48. EOG shall provide a tank integrity assessment report prepared in conformity with s. NR 645.07(1), Wisconsin Administrative Code, to detect corrosion or erosion, cracks, or leaks of all hazardous waste tanks and shall submit a report to the Department by April 1 each year.
49. EOG shall meet the requirements for a secondary containment system in s. NR 645.09, Wisconsin Administrative Code, including but not limited to a leak detection system that is designed and operated to detect the failure of the hazardous waste storage tanks or the secondary containment structure pursuant to s. NR 645.09(5)(c), Wisconsin Administrative Code.
50. EOG shall not place incompatible, ignitable, or reactive wastes and materials in a tank, unless the procedures specified in ss. NR 630.17(2) and 645.13(1), Wisconsin Administrative Code, are followed.
51. EOG shall not place hazardous waste in the tank when a tank has not been decontaminated and had previously held an incompatible waste or material, unless the requirements of s. NR 645.14, Wisconsin Administrative Code, are met.

Specific Conditions - Containers

52. EOG shall comply with the storage requirements of ch. NR 640, Wisconsin Administrative Code.
53. All hazardous waste storage shall be confined to the designated storage areas.

54. Adequate aisle space in the container storage areas must be maintained to allow unobstructed movement of personnel, fire protection equipment and decontamination equipment in event of an emergency.
55. Hazardous waste shall be stored only in containers in accordance with the FPOR.
56. All containers used for storing hazardous waste shall be inspected weekly for evidence of leakage, corrosion, or deterioration of the containers or the secondary containment structures. Sufficient aisle space must be maintained to view all containers and their labels.
57. Any spilled, leaked, or discharged hazardous waste shall be expeditiously removed from the collection area so as to prevent overflow of the secondary containment system or prolonged exposure of the containment system or the containers to the hazardous waste.
58. The identity and location of all stored hazardous waste shall be known throughout the entire storage period.
59. Waste shall be stored in containers in such a manner that no discharge of hazardous waste occurs.
60. Incompatible wastes or materials shall not be placed in the same container, including unwashed containers, unless they comply with s. NR 630.17(2), Wisconsin Administrative Code.
61. Containers holding hazardous waste shall always be closed during storage, except when adding or removing wastes. Containers holding hazardous waste shall not be opened, handled, or stored in a manner which causes the container to rupture or leak.
62. Containers holding ignitable waste shall be located at a minimum of 50 feet from the facility's property line.
63. Storage containers holding a hazardous waste which is incompatible with any waste or other materials stored nearby in other containers, waste piles, open tanks or surface impoundments shall be separated from other wastes or materials or protected from them by means of a dike, berm, wall or other device.
64. If a container is not in good condition or if the contents of a storage container begin to leak, the hazardous waste in the container shall be recontainerized into a storage container in good condition.

65. The containers shall be made or lined with materials which will not react with, or are otherwise incompatible with, the hazardous waste to be stored so that the ability of the container to contain the waste is not impaired.
66. Containers shall be stored in the existing warehouse building in the configuration presented on Sheet 9 of 18, in attachment 15 of the FPOR. When the addition to the existing warehouse building is completed, containers shall be stored in the existing warehouse building and the addition in the configuration presented on Sheet 10 of 18, Attachment 15 of the FPOR. Containers shall be stored in the lab pack building in the configuration presented on Sheet 11 of 18, Attachment 15 of the FPOR.
67. The minimum container storage containment shall be maintained as required by s. NR 640.13, Wisconsin Administrative Code. Other materials and objects whose volume will adversely impact the container storage capacity, shall not be stored in the container storage units.
68. Containers used to store hazardous waste shall be structurally sound, U.S. DOT approved containers.

Additional Items

The department will not be issuing a final determination until the incompleteness items of #69 through #92 are satisfactorily addressed.

69. EOG shall provide details on the connections to the tanks in the lab pack building. EOG shall also include a narrative describing the filling and emptying of these tanks. EOG shall provide descriptions of the supports for these tanks. EOG shall explain how these tanks and their secondary containment units will achieve compliance with s. NR 645.09(4) and (5), Wisconsin Administrative Code.
70. EOG shall provide sidewall and bottom structural and corrosion calculations on the 6 proposed licensed hazardous waste tanks in accordance with s. NR 645.08, Wisconsin Administrative Code.
71. EOG shall have the previous submittal and all additional information submitted to complete the FPOR certified by a professional engineer certified in the state of Wisconsin. s. NR 680.05(1)(a)1., Wisconsin Administrative Code. In addition to the P.E. certification on the drawings, a P.E. certification should cover the entire submittal and any revisions and/or additions to the FPOR. Whenever any additions, revisions and/or modifications are submitted regarding the FPOR, EOG shall submit the

documents under the certification of a state of Wisconsin P.E., as required by s. NR 680.05(1)(a)1., Wisconsin Administrative Code.

72. EOG shall explain if the auger system will be directly vented to the vapor recovery system or through the carbon unit to the atmosphere.
73. EOG shall list what are each of the "other" tests in table 2, located in attachment 3, pages 39 through 58. EOG shall also explain whether the analyses listed in table 2 are the only analyses performed on the waste.
74. EOG shall confirm that the on-site analysis which is part of the waste analysis plan shall be carried out in a laboratory which is certified or registered under ch. NR 149, Wisconsin Administrative Code. EOG makes the distinction between waste characterization and determining the acceptability of waste materials. Both are part of the waste analysis plan and therefore both shall be performed by a laboratory which is certified or registered under ch. NR 149, Wisconsin Administrative Code. s. NR 630.13(2), Wisconsin Administrative Code. EOG shall provide a clear explanation and provide revised language for the FPOR.
75. In attachment 5, section 5.1, the seventh line states, "A minimum of ten percent of the containers ... shall be sampled", and the next line states, "All incoming wastes are sampled." EOG shall provide further clarification on their sampling and provide replacement language in attachment 5, section 5.1, which clarifies their sampling.
76. EOG shall revise the Waste Profile Sheet in attachment 5, appendix A, so that it clearly shows if the results are from testing, generator knowledge, or some other method.
77. In reference to the response to #45 of the December 9, 1994, notice of incompleteness, EOG shall provide replacement text which refers to attachment 17 rather than attachment 15.
78. In response to #50 of the December 9, 1994, notice of incompleteness, EOG refers to, "north of the paved roadway," in response to where trucks might be waiting. EOG shall further explain whether that area is the parking lot north of their proposed office building or on Hemlock Street and provide revised language in the FPOR reflecting this point.
79. In response to #54 of the December 9, 1994, notice of incompleteness, EOG was requested to submit to the department a specific time table laying out their plans for construction on their hazardous waste management facility. The department is

requesting EOG to submit a more specific time table. In addition to their response, EOG shall submit a proposal for seeking licensing of the facility and their anticipated time table for requesting licensing and whether this will be requested all at once or in stages.

80. EOG shall address how the containment area for the lab pack container storage area complies with the requirements of s. NR 640.13, Wisconsin Administrative Code, and how the containers will be protected from contact with accumulated liquids.
81. In reference to your response to #73 of the December 9, 1994, notice of incompleteness, no information was presented on the outbound shipment of containers. EOG shall include information on the outbound shipment of containers.
82. EOG shall inform the department whether spare parts are kept on site for any of the units of importance, where operation of the facility could be stopped because of need to wait for a replacement part.
83. EOG shall incorporate their responses to #84, #86, and #87 of the December 9, 1994, notice of incompleteness into the body of the FPOR.
84. EOG shall provide adequate containment capacity for the lugger box storage as required by s. NR 640.13, Wisconsin Administrative Code. EOG shall submit plans showing how they comply with all of the containment requirements of s. NR 640.13, Wisconsin Administrative Code.
85. EOG shall confirm that the lugger boxes will always have gaskets around the openings on the sides, the lugger boxes will always remained covered with an exception for filling, the exterior of the lugger boxes will be clean before they are placed outside, and that adequate access to inspect the lugger boxes will be available.
86. EOG shall explain how the containment area for containers in the lab pack building complies with the requirements of s. NR 640.13, Wisconsin Administrative Code, for preventing contact between the containers and any accumulated liquid.
87. EOG shall explain how they will respond to spills in the catch basins located in the south and northeast sections of the property.
88. If hazardous waste cylinders are to be stored on site, EOG shall explain what precautions will be taken in handling and storing these cylinders.

89. Some confusion has occurred between the original submittal and the followup submittals because of use of attachment in both. The department could not always tell if the subsequent submittals attachments were designed to fit into the original attachments of the same number, some other attachment, or be an additional attachment. EOG shall explain how these attachments shall be incorporated and submit a revised table of contents that reflects any changes.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision, you should know that Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to ss. 227.52 and 227.53, Stats., you have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to s. 227.48(2), Stats.

Dated: _____

Department of Natural Resources
For the Secretary

Walter A. Ebersohl
Hazardous Waste Management Section Supervisor
Southeast District

Patrick J. Brady
Waste Management Engineer

FACT SHEET

**EOG DISPOSAL, INCORPORATED
5611 WEST HEMLOCK STREET
MILWAUKEE, WISCONSIN
EPA ID#: WID988580056
FID#: 241384000**

INTRODUCTION AND SUMMARY

EOG Disposal Inc. (EOG), has submitted a feasibility and plan of operation report (FPOR), as part of the stepped process in obtaining a hazardous waste storage operating license. EOG received an interim license for hazardous waste storage on March 15, 1994. As a condition of their interim license, EOG was required to submit a FPOR. In their FPOR, EOG has proposed storing additional waste streams and storing wastes in additional storage units than what was allowed under their interim license. EOG is required by ss. NR 640.05 and 645.05, Wisconsin Administrative Code, to obtain a hazardous waste operating license. The department has made a preliminary determination to approve the FPOR.

The preliminary determination to approve the FPOR contains a list of conditions. EOG shall comply with and/or remain in compliance with these conditions. These conditions are necessary to protect human health and the environment and for the facility to remain in compliance with the requirements of chs. NR 600 through NR 685, Wisconsin Administrative Code.

In accordance with s. 144.44(2)(nr), Stats., the Department has determined there is a need for the facility to store hazardous waste as approved. The department has also made a preliminary determination that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Stats., and ch. NR 150, Wisconsin Administrative Code, and that the existing and proposed facilities conform with wetlands water quality standards pursuant to ch. NR 103, Wisconsin Administrative Code.

To fulfill the obligation for public participation after a receipt of a complete and technically adequate FPOR, the department is issuing a notice of its preliminary determination on September 22, 1995 in the Milwaukee Journal Sentinel. This notice includes the information required to be included under 40 CFR 124.10(d) as of July 1, 1990. This notice invites the submittal of written comments by any person within 45 days after the notice is published, November 7, 1995, and describes the method by which an informational hearing under s. NR 680.07(5)(d)3., Wisconsin Administrative Code, may be requested by any person.

FACT SHEET - Milwaukee Solvents - Major Modification - March 30, 1993

As required by s. NR 680.07(5), Wisconsin Administrative Code, a radio announcement will also be made on September 22, 1995 during morning and evening drive times on WEMP and during morning drive time on WHAD.

The FPOR, the department's preliminary determination to approve the FPOR, an environmental assessment, and this fact sheet will be available for public inspection and copying from 7:45 a.m. to 4:30 p.m. weekdays at the:

Dept. of Natural Resources	Department of Natural Resources
Southeast District Annex	Bureau of Solid & Hazardous Waste Management 4041
North Richards Street	101 South Webster Street
Milwaukee, WI 53212	Madison, WI 53707

Pursuant to ch. 144.44 and 1.11, State Statutes, the public is invited to submit written comments concerning the FPOR preliminary determination within 45 days from the date of the publication of the notice, November 7, 1995.

A written demand for a public hearing may be filed with the Secretary of the Department within 45 days after the publication of this notice by any county, city, village or town, or by any six persons affected by this facility. Any demand shall indicate the reasons why the interests of the municipality or the person filing it are affected, and should state the reason why the hearing is being demanded. If it is determined that a hearing is to be granted, the hearing shall be conducted as an informational hearing utilizing the procedures in s. 227.18, State Statutes, and s. NR 680.07 (5)(d), Wisconsin Administrative Code.

All hearing requests shall be filed with the Department within 45 days after the publication of this notice either by delivery to the office of the Secretary of the Department at 101 South Webster Street, Madison Wisconsin 53703, or by certified mail addressed to the Secretary, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

Written comments on the above will be accepted by the Department during the comment period beginning on September 22, 1995 and ending on November 7, 1995. The public comment period is 45 days. All comments and/or requests concerning the above documents can be sent to:

Wisconsin Department of Natural Resources
Patrick J. Brady
P.O. Box 12436
Milwaukee, Wisconsin 53212
(414) 229-0845

FACT SHEET - Milwaukee Solvents - Major Modification - March 30, 1993

After the close of the public comment period and before issuing a final feasibility report and plan of operation determination, the department will evaluate all comments received. Each person who submitted written comments or requested notice of a decision will receive a notice of the determination by the department. At the same time, the department will also respond to all significant comments, specify if there are any changes and indicate whether additional comments or new materials have been included in the administrative record.

After receiving a final determination from the department, EOG will complete the required construction and submit a license application to the department. The department will then determine if the construction was completed according to the feasibility report and plan of operation, the feasibility report and plan of operation determination, and whether the license application is complete. If the above actions have been completed, the department and EPA will initiate public participation procedures based on their decision in regards to the license application.

FACILITY DESCRIPTION

EOG is an interim licensed hazardous waste storage facility and a solid waste storage and processing facility which provides limited hazardous waste services and solid waste services to generators of solid and hazardous waste. EOG has operated the facility since September 1, 1990. EOG has sale offices in Illinois, Minnesota, Utah and Texas. EOG currently provides services for over 1,300 clients which include a variety of commercial, institutional, governmental, and industrial companies nationwide that do not generate bulk quantities of waste. The primary function of this facility is the bulking and transfer of hazardous and nonhazardous waste in order to gain access to secondary markets which include recycling and fuel blending.

EOG received an interim license for hazardous waste storage on March 15, 1994. As a condition of their interim license EOG was required to submit a FPOR as part of the stepped process in obtaining a hazardous waste operating license.

In their FPOR, EOG proposes a hazardous waste operating license for storage of most types of hazardous waste in:

1. four 12,000 gallon aboveground storage tanks in a new tank farm,
2. two 5,500 gallon aboveground storage tanks in a new lab pack building,
3. seven 20 cubic yard containers with one in the existing warehouse building and the remaining six on a new concrete pad, and

FACT SHEET - Milwaukee Solvents - Major Modification - March 30, 1993

4. 69,795 gallons in fifty-five gallon containers in the existing warehouse building and in a planned addition to the warehouse building and in the lab pack building.

EOG's hazardous waste interim license for storage authorizes storage of up to 39,600 gallons in 55-gallon drums for a limited range of hazardous waste types. With the additional items proposed in their FPOR, the facility would greatly expand their capability to handle a wide variety of hazardous waste.

EOG proposes to maintain container storage in their existing building. This area allows for storage of up to 644 hazardous waste containers and 1288 non-hazardous waste containers. However, because of setback requirements for ignitable materials, this area will allow for storage of up to 404 ignitable hazardous waste containers and 808 ignitable solid waste containers. The allowable layout of containers in this storage area is shown in sheet 10 of 18 in attachment 15 of the FPOR. The building should provide adequate secondary containment for container storage. The building is approximately 150 feet by 80 feet with most of the area designated for container storage.

Also located in the existing warehouse building will be a container processing area. As a container approaches the drum auger operation, a decision is made on the eventual disposition of the contents of the container. Solids unsuitable for fuel blending will be dumped into a 2,000 cubic yard roll-off container. As the 2,000 cubic yard roll-off boxes are filled, they will be stored on a 20 foot by 60 foot concrete pad just north of the lab pack building. Solids and liquids suitable for fuel blending will be conveyed to a 2,000 gallon tank for blending. Process vapors will be condensed to collect volatile solvents. This hazardous waste treatment tank will be regulated under a hazardous waste recycling exemption regulation for hazardous waste burned for energy recovery.

EOG is also seeking a hazardous waste license for expansion of the existing warehouse building to provide for additional storage of up to 492 hazardous waste containers and 984 non-hazardous waste containers. Storage in this addition would be limited to non-ignitable waste. The expansion will add 40 feet by 150 feet of additional space. The building should provide for adequate secondary containment for the container storage.

EOG is also proposing to build a lab pack storage and processing building. This building will be 104 feet by 60 feet. This building will provide container storage for 145 containers in designated pods for acidic, basic, flammable, reactive and oxidizer waste. These individual pods are capable of holding a maximum of 29 containers each in a set layout. The storage pods are 20 feet by 13 feet and provide for adequate containment. The building will also contain 5 lab pack bays, each 10 feet by 12 feet, where lab pack quantities of material are repacked into larger quantities for bulking to tanks contained within the lab pack building, transfer to the process building for processing into fuels, or for ultimate shipment

FACT SHEET - Milwaukee Solvents - Major Modification - March 30, 1993

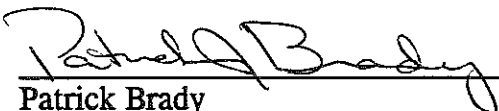
for disposal or recycling. The building will also have bulk storage of waste acid and waste caustic in two designated 5,500 gallon tanks. Each of the tanks is located in a 15 foot by 15.5 foot room which should provide for adequate containment. The allowable layout of containers in this building is shown on sheet 6 of 18 in attachment 15 of the FPOR.

EOG is also proposing to build a covered tank farm for storage of hazardous waste in four 12,000 gallon tanks. The 40 square foot sealed concrete storage pad should provide for adequate containment.

Hazardous wastes that can be stored on site will include the following waste codes: Characteristic hazardous wastes, D001 to D043; Listed solvent wastes, F001 to F005; Electroplating and metal heat treating wastes, F006 to F012; Hazardous wastes from non specific sources, F019 to F028, F032, F034, F035, F037 to F039; Hazardous waste from specific sources, K001 to K011, K013 to K052, K060 to K062, K064 to K066, K069, K071, K073, K083 to K088, K090 to K118, K123 to K126, K131, K132, K136, K141 to K145, K147 to K151; Acute hazardous wastes, P001 to P018, P020 to P024, P026 to P031, P033, P034, P036 to P051, P054, P056 to P060, P062 to P078, P081, P082, P084, P085, P087 to P089, P092 to P099, P101 to P111 to P116, P118 to P123; Commercial chemical products and manufacturing chemical intermediates, U001 to U012, U014 to U039, U041 to U053, U055 to U064, U066 to U103, U105 to U174, U176 to U194, U196, U197, U200 to U223, U225 to U228, U230 to U240, U242 to U244, U246 to U249, U328, U353, U359.

Hazardous wastes will only be received and stored in DOT shippable containers. Hazardous wastes will be typically contained in 55 gallon drums.

Prepared By:


Patrick Brady
Waste Management Engineer

10-11-95
Date

**BEFORE THE STATE OF WISCONSIN
NOTICE OF PRELIMINARY DETERMINATION TO CONDITIONALLY APPROVE
A FEASIBILITY AND PLAN OF OPERATION REPORT AND
A PRELIMINARY ENVIRONMENTAL IMPACT DECISION FOR
EOG DISPOSAL, INCORPORATED
HAZARDOUS WASTE STORAGE FACILITY
EPA ID#: WID988580056**

NOTICE IS HEREBY GIVEN, pursuant to section NR 680.06(10), Wisconsin Administrative Code, that the Department of Natural Resources has determined that the Feasibility and Plan of Operation Report (FPOR) submitted by EOG Disposal Incorporated (EOG) for a hazardous waste storage facility is complete and technically adequate. The Department has made a preliminary determination to conditionally approve the FPOR. The proposed facility is located at 5611 West Hemlock Street, Milwaukee, Milwaukee County, Wisconsin.

The department has prepared an environmental assessment (EA) and has made a preliminary determination that an environmental impact statement (EIS) is not needed under section 1.11, Wisconsin Statutes.

The purpose of the FPOR and the review of the FPOR is to determine whether the facility is feasible for use as a hazardous waste storage facility and to establish any conditions which must be included in a determination on the FPOR. The proposed facility will be 2.5 acres in size and have the capability of storing hazardous waste in 1,269 fifty-five gallon containers, 7 twenty cubic yard roll-off containers, two 5,500 gallon tanks, and four 12,000 gallon tanks.

Pursuant to chapters 144.44 and 1.11, Wisconsin Statutes, the public is invited to submit written comments concerning the proposed facility, the FPOR, the preliminary determination, and the EA, within 45 days from the date of publication of this notice. Comments shall be addressed to Patrick Brady, WDNR, P.O. Box 12436, Milwaukee, Wisconsin 53212. A fact sheet concerning information specific to the facility is available upon request.

A written request for a public informational hearing may be filed within 45 days after publication of this notice with the Secretary of the Department. All hearing requests should be filed either by delivery to the Office of the Secretary of the Department of Natural Resources at 101 South Webster Street, Madison, Wisconsin 53707, or by certified mail addressed to the Secretary, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707. Any requests shall indicate the reason why the interests of the municipality or the person filing it are affected, and should state the reason why the hearing is being requested. If it is determined that a hearing is to be granted, the hearing shall be conducted as an informational hearing utilizing the procedures in section 277.18, Wisconsin Statutes, unless the request filed indicates, pursuant to section 144.44(2)(m), Wisconsin Statutes, that the hearing is to be conducted as a contested case hearing, as provided under section 227.064(1), Wisconsin Statutes.

Copies of the FPOR, the preliminary determination, the EA, and the fact sheet are available for public review at the following locations:

Department of Natural Resources, Bureau of Solid and Hazardous Waste Management, 101 South Webster, Madison, Wisconsin 53707, and
Department of Natural Resources, Southeast District Annex, 4041 North Richards Street, Milwaukee, Wisconsin 53212

Dated at Milwaukee, Wisconsin, October 11, 1995

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Walter Ebersohl

Hazardous Waste Management Section Supervisor Southeast District

PURSUANT TO SECTION NR 680.07(5), WISCONSIN ADMINISTRATIVE CODE, NOTICE OF A PRELIMINARY DETERMINATION ON A FEASIBILITY AND PLAN OF OPERATION REPORT FOR EOG DISPOSAL, INCORPORATED, WAS SENT TO THE FOLLOWING:

AFFECTED MUNICIPALITIES AND LIBRARIES

Mr. Rod Lanser
Milwaukee County Clerk
901 North 9th Street, Room 105
Milwaukee, WI 53233

Mr. Ronald Leonhardt, Clerk
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202

Milwaukee Public Library
814 West Wisconsin Avenue
Milwaukee, WI 553233

INTERESTED PARTIES

Mr. Michael Villone
EOG Disposal Inc.
5611 West Hemlock Street
Milwaukee, WI 53223

Patti W. Cronin, Executive Secretary
Wisconsin Waste Facility Siting Board
132 East Wilson Street
Madison, WI 53703

State Historical Society of WI
Historical Preservation Division
Richard W. Dexter
816 State Street
Madison, WI 53707

Jean Gromnecki
U.S. EPA Region 5
HRM-7J
77 West Jackson
Chicago, IL 60604

Greenpeace USA
1619 Monroe Street
Madison, WI 53711

Milwaukee Journal Sentinel
333 West State Street
Milwaukee, WI 53201-0371

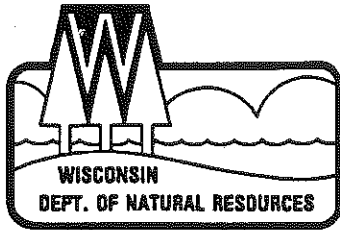
Citizens for a Better Environment
647 W. Virginia Street
Suite #303
Milwaukee, WI 53204

Phil Abert
DOD Permit Information Center
123 West Washington
Madison, WI 53707

Southeast Wisconsin
Regional Planning Commission
916 North East Avenue
Waukesha, WI 53186

U.S. Fish and Wildlife Service
6006 Schroeder Road
Madison, WI 53711

c: Bureau-SW/3-HWMS (E. Lynch)
SED Casefile (W. Ebersohl, P. Brady)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building
4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000
County of Milwaukee
HW/LIC/eogmavtr.095

Mr. Rod Lanser
Milwaukee County Clerk
901 North 9th Street
Milwaukee, WI 53233

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

Mr. Lanser:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility report and plan of operation. The department has made a preliminary determination to approve the feasibility report and plan of operation. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility report and plan of operation, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

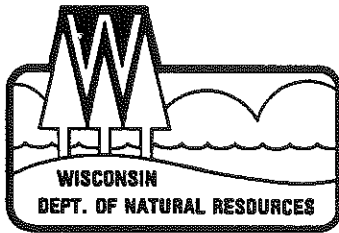
If you have any questions feel free to give me a call at (414) 229-0845.

Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000
County of Milwaukee
HW/LIC/eogpncvr.095

Mr. Ronald Leonhardt, Clerk
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

Mr. Leonhardt:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility report and plan of operation. The department has made a preliminary determination to approve the feasibility report and plan of operation. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility report and plan of operation, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

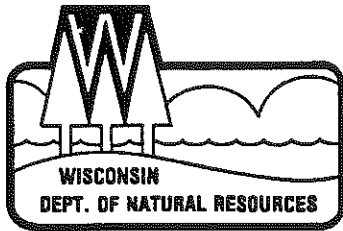
If you have any questions feel free to give me a call at (414) 229-0845.

Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street

P. O. Box 12436

Milwaukee, WI 53212

TELEPHONE 414-229-0800

TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000

County of Milwaukee

HW/LIC/eogpncvr.095

Milwaukee Public Library
814 West Wisconsin Avenue
Milwaukee, WI 53202

Subject: Preliminary Determination to Approve
a Feasibility Report and Plan of Operation
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

To whom it may concern:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility and plan of operation report. The department has made a preliminary determination to approve the feasibility and plan of operation report. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility and plan of operation report, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

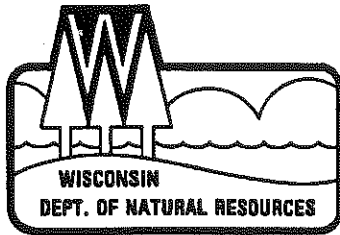
Please post this notice in a conspicuous location. If you have any questions feel free to give me a call at (414) 229-0845.

Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000
County of Milwaukee
HW/LIC/eogpncvr.095

Patti Cronin, Executive Secretary
Wisconsin Waste Facility Siting Board
132 Wilson Street
Madison, WI 53703

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

Ms. Cronin:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility report and plan of operation. The department has made a preliminary determination to approve the feasibility report and plan of operation. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility report and plan of operation, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

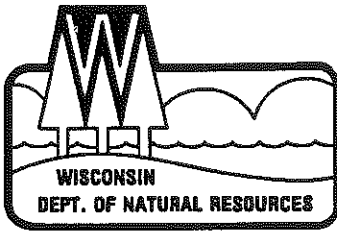
If you have any questions feel free to give me a call at (414) 229-0845.

Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street

P. O. Box 12436

Milwaukee, WI 53212

TELEPHONE 414-229-0800

TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000

County of Milwaukee

HW/LIC/eogpncvr.095

State Historical Society
Historical Preservation Division
Richard W. Dexter
816 State Street
Madison, WI 53707

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

Mr. Dexter:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility report and plan of operation. The department has made a preliminary determination to approve the feasibility report and plan of operation. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility report and plan of operation, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

If you have any questions feel free to give me a call at (414) 229-0845.

Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street

P. O. Box 12436

Milwaukee, WI 53212

TELEPHONE 414-229-0800

TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000

County of Milwaukee

HW/LIC/eogpncvr.095

Greenpeace USA
1619 Monroe Street
Madison, WI 53711

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

To whom it may concern:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility and plan of operation report. The department has made a preliminary determination to approve the feasibility and plan of operation report. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility and plan of operation report, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

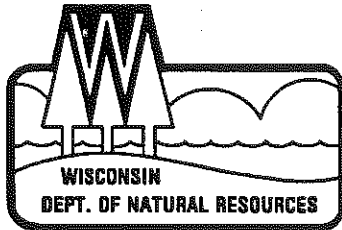
If you have any questions feel free to give me a call at (414) 229-0845.

Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building
4041 N. Richards Street
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Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000
County of Milwaukee
HW/LIC/eogpncvr.095

Citizens for a Better Environment
647 West Virginia Street
Suite #303
Milwaukee, WI 53204

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

To whom it may concern:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility and plan of operation report. The department has made a preliminary determination to approve the feasibility and plan of operation report. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility and plan of operation report, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

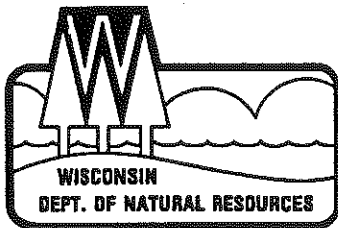
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Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000
County of Milwaukee
HW/LIC/eogmncvr.095

Phil Abert
DOD Permit Information Center
123 West Washington
Madison, WI 53707

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

Mr. Abert:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility report and plan of operation. The department has made a preliminary determination to approve the feasibility report and plan of operation. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility report and plan of operation, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

If you have any questions feel free to give me a call at (414) 229-0845.

Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street

P. O. Box 12436

Milwaukee, WI 53212

TELEPHONE 414-229-0800

TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID#241384000

County of Milwaukee

HW/LIC/eogpncvr.095

Southeast Wisconsin Regional Planning Commission
916 North East Avenue
Waukesha, WI 53186

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation *
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

To whom it may concern:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility and plan of operation report. The department has made a preliminary determination to approve the feasibility and plan of operation report. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility and plan of operation report, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

If you have any questions feel free to give me a call at (414) 229-0845.

Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

October 11, 1995

In Response Refer To: FID/241384000
County of Milwaukee
HW/LIC/eogpncvr.095

U.S. Fish and Wildlife Service
6006 Schroeder Road
Madison, WI 53711

Subject: Preliminary Determination to Approve a Feasibility Report and Plan of Operation *
EOG Disposal Inc.
5611 West Hemlock Street, Milwaukee, WI

To whom it may concern:

Enclosed is a public notice from the Department of Natural Resources that will appear in the Milwaukee Sentinel on October 11, 1995. EOG is a hazardous waste storage facility that is seeking an approval of their feasibility and plan of operation report. The department has made a preliminary determination to approve the feasibility and plan of operation report. Public notice of this action is required by s. NR 680.067(10), Wisconsin Administrative Code. The public notice is intended to alert the public of the opportunity to review the feasibility and plan of operation report, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period, which begins on October 11, 1995.

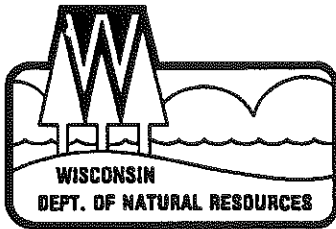
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Your cooperation is appreciated.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau-SW/3-HWMS (E. Lynch)
EPA Region 5 - HRM-7J (Jean Gromnecki)



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

October 10, 1995

In Response Refer To: FID#241384000
County of Milwaukee
HW/LIC/eogwemp.095

Mr. Doug Dvorak
WMYX/WEMP
11800 West Grange Avenue
Hales Corners, WI 53130

Subject: Radio Announcement
Preliminary Determination on a Feasibility and Plan of Operation Report
EOG Disposal Inc., 5611 West Hemlock Street, Milwaukee, WI

Dear Mr. Dvorak:

EOG Disposal, Inc. is a hazardous waste storage facility that is seeking approval of their feasibility and plan of operation report. The department of Natural Resources has made a preliminary determination to approve the feasibility and plan of operation report. As required by s. NR 680.06(10), Wisconsin Administrative Code, the department needs to issue a radio announcement to that effect.

As we have previously discussed, you have agreed to broadcast the attached 90-second script on your station during morning and evening drive time on October 11, 1995. These broadcasts will cost a total of \$200.00, and will be broadcast on your three radio stations, Magic 103.7 FM, WMYX 99.1 FM, and WEMP 1250 AM. The radio announcement is intended to alert your listeners of the opportunity to review the feasibility and plan of operation report, the preliminary determination, an environmental assessment, and a fact sheet, and to provide comments and to request a public informational hearing, during the 45-day public comment period which begins on October 11, 1995.

Thank you for your cooperation in coordinating these broadcasts. If you have any questions feel free to contact me at (414) 229-0845.

Sincerely,

Patrick Brady
Waste Management Engineer

c: SED Casefile (W. Ebersohl, P. Brady)
Bureau - SW/3 - HWMS (E. Lynch)
U.S. EPA - Region 5 - HRM-7J (Jean Gromnecki)

RADIO ANNOUNCEMENT

EOG Disposal, Inc. of Milwaukee is seeking approval of their feasibility and plan of operation report, regarding the storage of hazardous waste at 5611 West Hemlock Street. Approval of this report is one of the steps required for EOG to obtain an operating license for storage of hazardous waste in 1,269 fifty-five gallon containers, 7 twenty cubic yard roll-off containers, two 5,500 gallon tanks, and four 12,000 gallon tanks.

The Wisconsin DNR believes that the EOG facility as proposed will meet state requirements and has made a preliminary determination to conditionally approve the report.

You now have the opportunity to review the report, the department's preliminary determination, an environmental assessment, and a fact sheet; provide written comments; and request a public hearing.

Documents regarding the report can be reviewed at the DNR offices located at 4041 North Richards Street, Milwaukee, or at 101 South Webster Street, Madison.

Written comments can be submitted to Patrick Brady, P.O. Box 12436, Milwaukee, Wisconsin 53212.

Public hearing requests should be filed either by delivery to the Office of the Secretary of the DNR at 101 South Webster Street, Madison, Wisconsin 53707, or by certified mail addressed to the Secretary, DNR, P.O. Box 7921, Madison, Wisconsin 53707.

Written comments and public hearing requests must be submitted by November 27, 1995.

For more information contact Patrick Brady at 229-0845.

BEFORE THE
STATE OF WISCONSIN
NOTICE OF THE PRELIMINARY DETERMINATION TO
CONDITIONALLY APPROVE A FEASIBILITY AND PLAN OF OPERATION REPORT
FOR A HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY AT
BADGER DISPOSAL OF WISCONSIN, INC., IN MILWAUKEE, WISCONSIN
EPA ID#: WID988580056

NOTICE IS HEREBY GIVEN, pursuant to ss. NR 670.404 and NR 670.410(1), Wis. Adm. Code, and s. 289.25(3), Stats., that the Department of Natural Resources (Department) and the United States Environmental Protection Agency (U.S. EPA) have made a preliminary determination that the Feasibility and Plan of Operation Report (FPOR) submitted for the re-issuance of an operating license for a hazardous waste storage facility at Badger Disposal of Wisconsin, Inc., is complete and technically adequate. The Department has made a preliminary determination to conditionally approve the FPOR and the U.S. EPA has made a preliminary determination to issue a federal permit. Badger Disposal of Wisconsin, Inc. (Badger Disposal) is located at 5611 West Hemlock Street in Milwaukee, Wisconsin. The preliminary determination also includes a conditional approval and a draft federal permit for the treatment of hazardous waste. The treatment activity is the fuel blending of hazardous waste which was previously approved by the Department as a recycling exemption but is now subject to the treatment facility licensing requirements due to a change in Wisconsin's hazardous waste rules.

The Department and U.S. EPA reviewed the FPOR to determine if there is a need to continue operating the hazardous waste storage and treatment facility, establish any conditions necessary for proper operation of the facility and determine how the facility will operate in accordance with the storage and treatment facility requirements stated in chapters NR 660 to 679, Wis. Adm. Code. The facility is seeking to renew its current hazardous waste storage facility license which was issued December 16, 1996. The current license remains in effect until such time as the FPOR is approved or denied. The proposed license re-issuance is for the storage of 69,795 gallons of hazardous waste in containers and 61,000 gallons of hazardous waste in tanks. On August 23, 1996, the Department issued a recycling exemption approval to Badger Disposal for fuel blending operations. Due to the adoption of new hazardous waste rules in Wisconsin, the fuel blending activities conducted at Badger Disposal are now subject to the treatment facility licensing requirements. Therefore, as a part of re-licensing, Badger Disposal will also receive a treatment license for the same fuel blending activities previously allowed by the August 23, 1996 Department approval. No major operational changes at the facility are being proposed. Badger Disposal is not changing their waste management activities; rather, the Department is changing administrative authority to regulate the fuel blending activity.

An environmental assessment, completed January 25, 1996 when Badger Disposal of Wisconsin, Inc., (formerly known as EOG Disposal, Inc.) was going through the initial licensing process, concluded that licensing would not be a major action significantly affecting the quality of human health and the environment. Since the facility has operated without major incident and no expansion or operational changes are proposed in the FPOR, the Department has made a preliminary determination reaffirming the decision that an environmental impact statement is not

needed under section 1.11 of the Wisconsin Statutes.

A copy of the FPOR, the Department's preliminary determination, the initial environmental assessment, the press release reaffirming the decision of the initial environmental assessment and a fact sheet which summarizes information specific to the facility are available for public review at the following locations:

Department of Natural Resources
Southeast Region Headquarters
2300 N. Martin Luther King Drive
Milwaukee, Wisconsin

Milwaukee Central Public Library
814 West Wisconsin Avenue
Milwaukee, Wisconsin

Pursuant to ss. 289.25(3), 289.26 and 1.11, Stats., the public is invited to submit written comments concerning the FPOR, the preliminary determination and the environmental assessment within 45 days from the date of publication of this notice or by April 29, 2007. Written comments should be sent to: Sandy Miller, Wisconsin Department of Natural Resources, 2300 N. King Drive, Milwaukee, WI 53223 or sandy.miller@wisconsin.gov.

Any county, city, village or town, the applicant or any six (6) or more persons may file a written request for a public hearing by sending it to the Secretary of the Department of Natural Resources within 45 days of the date of publication of this notice. The request shall indicate the interests of the municipality or persons who file the request and state the reasons why a hearing is requested. If the request is granted, the hearing will be conducted as an informational hearing utilizing the procedures in s. NR 2.135, Wis. Adm. Code, unless the request filed indicates that the hearing is to be conducted as a contested case hearing, as provided by s. 289.27, Stats., and the request indicates that:

- (a) a substantial interest of the person or persons filing the request is injured in fact or threatened with injury by the Department's action or inaction;
- (b) the injury to the person requesting the hearing is different in kind or degree from injury to the general public caused by the Department's action or inaction; and
- (c) there is a dispute of material fact.

All hearing requests shall be filed with the Department within 45 days of the publication date of this notice either by delivery to the Office of the Secretary of the Department at 101 South Webster St., Madison, Wisconsin 53703, or by certified mail addressed to the Secretary, Department of Natural Resources, PO Box 7921, Madison, WI 53707-7921.

The U.S. EPA draft permit which addresses the storage and treatment of certain waste types, land disposal restriction requirements and applicable organic air emissions from the hazardous waste storage and treatment units is available for public review at the U.S. EPA Region 5 office in Chicago, Illinois. Requests to view these materials and/or requests for additional information should be made by contacting Wen Huang at (312) 886-6191 or by writing to him at Waste Management Branch, DW-8J, U.S. EPA Region 5, 77 West Jackson Blvd, Chicago, IL 60604.

Written comments on the federal permit will be accepted by the U.S. EPA at the above address through April 29, 2007. Written comments and requests for a public hearing on the federal permit

must meet the requirements of 40 CFR Sections 124.11 to 124.13, which are similar to the state procedures described previously. A request for a public hearing shall be in writing and state the nature of the issues to be addressed at the hearing. The U.S. EPA will send a Notice of Decision in regard to the EPA permit to the facility owner/operator and any person who submitted public comments or requested notice of the final permit decision.

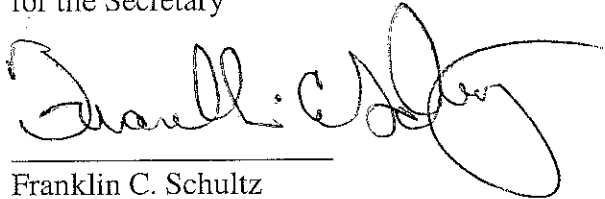
Comments received during the public comment period will be reviewed by the Department before making a final determination regarding the FPOR and by the U.S. EPA before making a final determination on the federal permit. The Department will prepare a response to all significant comments received on the FPOR and specify which provisions of the conditional approval were changed. The U.S. EPA will prepare a response to all significant comments received on the draft permit and specify which provisions of the draft permit were changed. The Department and U.S. EPA will also indicate whether additional documents have been included in their administrative records.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Dated at Milwaukee, Wisconsin

February 28, 2007

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
for the Secretary



Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

FACT SHEET

**BADGER DISPOSAL OF WISCONSIN, INC.
5611 WEST HEMLOCK STREET
MILWAUKEE, WISCONSIN
EPA ID#: WID988580056
FID#: 241384000**

INTRODUCTION

Badger Disposal of Wisconsin, Inc. (Badger Disposal), has submitted a feasibility and plan of operation report (FPOR), as part of the stepped process to renew their operating license for hazardous waste storage. A hazardous waste storage license was initially issued to the facility on December 16, 1996. The initial operating license is effective for 10 years from the date of issuance. Since Badger Disposal has chosen to continue to operate their hazardous waste storage facility at 5611 West Hemlock in the City of Milwaukee, they are required by s. NR 670.010(8), Wis. Adm. Code, to submit a feasibility and plan of operation report before the 10 year license expires. In their FPOR, Badger Disposal has proposed storing 61,000 gallons of hazardous waste in above ground tanks and 69,795 gallons of hazardous waste in containers.

On August 23, 1996, the Department issued a recycling exemption approval to Badger Disposal for fuel blending operations. Due to the promulgation of new hazardous waste rules in Wisconsin, the fuel blending activities conducted at Badger Disposal are now subject to the treatment facility licensing requirements. Therefore, as a part of re-licensing, Badger Disposal will also receive a treatment license for the same fuel blending activities allowed by the August 23, 1996 Department approval. The Department does not consider the issuance of the treatment license to be either a new facility or an expansion of the existing Badger Disposal facility, since the fuel blending activities occurred at Badger Disposal since the ch. NR 625 exemption approval was issued on August 23, 1996. Badger Disposal is not changing their waste management activities; rather they Department is changing administrative authority to regulate the fuel blending activity.

Badger Disposal is required by s. NR 670.001(3), Wis. Adm. Code, to obtain a hazardous waste operating license to store and treat hazardous waste. The Department has reviewed Badger Disposal's FPOR and made a preliminary determination to approve it.

The Department's preliminary determination to approve the FPOR for Badger Disposal contains a list of conditions. Badger Disposal is required to operate their facility in compliance with these conditions which are necessary to protect human health and the environment and to assure that the facility operates in compliance with the requirements of chs. NR 660 through NR 679, Wis. Adm. Code.

In accordance with s. 289.28, Wis. Stats., the Department has determined there is a need for the facility to store and treat hazardous waste as approved. The Department has also made a preliminary determination that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Stats., and

ch. NR 150, Wis. Adm. Code. An environmental assessment, completed January 25, 1996 when Badger Disposal was going through the initial licensing process, concluded that licensing would not be a major action significantly affecting the quality of human health and the environment. Since the facility has operated without major incident and no expansion or operational changes are proposed in their FPOR, the Department has made a preliminary determination reaffirming that decision.

To fulfill the obligation for public participation after the receipt of a complete and technically adequate FPOR, the Department is issuing a public notice of its preliminary determination on March 15, 2007, in the Wisconsin State Journal and the Milwaukee Journal Sentinel. This notice includes information required by s. NR 670.410(4), Wis. Adm. Code. This notice invites the submittal of written comments by any person within 45 days after the notice is published or by April 29, 2007. As required by s. NR 670.410(3)(b), Wis. Adm. Code, a radio announcement will also be made on March 15, 2007, during morning and evening drive times on Milwaukee radio station WFMR.

Any county, city, village or town, the applicant or any six (6) or more persons may file a written request for a public hearing to the Secretary of the Department of Natural Resources within 45 days of the date of publication of the newspaper notice. The request shall indicate the interests of the municipality or persons who file the request and state the reasons why a hearing is requested. If the request is granted, the hearing will be conducted as an informational hearing utilizing the procedures in s. 227.18, Stats., unless the request filed indicates that the hearing is to be conducted as a contested case hearing, as provided by s. 227.42, Stats., and the request indicates that:

- (a) a substantial interest of the person or persons filing the request is injured in fact or threatened with injury by the Department's action or inaction;
- (b) the injury to the person requesting the hearing is different in kind or degree from injury to the general public caused by the Department's action or inaction; and
- (c) there is a dispute of material fact.

All hearing requests shall be filed with the Department within 45 days of the publication date of the newspaper notice either by delivery to the Office of the Secretary of the Department at 101 South Webster St., Madison, Wisconsin 53707, or by certified mail addressed to the Secretary, Department of Natural Resources, P.O. Box 7921, Madison, WI 53707.

A copy of the FPOR, the Department's preliminary determination to approve the FPOR, the initial environmental assessment, the press release reaffirming the decision of the January 25, 1996 environmental assessment, and this fact sheet will be available for public inspection at the following two locations:

Department of Natural Resources Southeast Region Headquarters
2300 N. Martin Luther King Jr. Drive
Milwaukee, WI

Milwaukee Central Public Library
814 West Wisconsin Avenue
Milwaukee, WI

Pursuant to ch. 289 and s. 1.11, Wis. Stats., the public is invited to submit written comments concerning the FPOR preliminary determination within 45 days from the date of the publication of the notice or by April 29, 2007. Written comments on the above will be accepted by the Department during the 45 day public comment period beginning on March 15, 2007 and ending on April 29, 2007. All comments and/or requests concerning the above documents can be sent to:

Wisconsin Department of Natural Resources c/o Sandy Miller
2300 North King Drive
Milwaukee, Wisconsin 53212
phone (414) 263-8675
e-mail sandy.miller@wisconsin.gov

After the close of the public comment period and before issuing a final FPOR determination, the Department will evaluate all comments received. Each person who submitted written comments or requested notice of a decision will receive a notice of the determination by the Department. At the same time, the Department will also respond to all significant comments, specify if there are any changes and indicate whether additional comments or new materials have been included in the administrative record.

If the Department issues a final determination to conditionally approve the storage and treatment activities at Badger Disposal, the Department will issue a public notice stating the Department's intent to issue the operating license. The Department will then proceed to re-issue the operating license for a maximum of 10 years.

DESCRIPTION OF FACILITY OPERATIONS SUBJECT TO LICENSING

The facility at 5611 West Hemlock Street began operations as EOG Disposal, Incorporated on September 1, 1990. An interim license was issued to EOG Disposal, Inc. on March 15, 1994. The initial hazardous waste operating license was issued to EOG Disposal, Inc. on December 16, 1996. In early 2003, the name of the facility changed from EOG Disposal, Inc. to Badger Disposal of Wisconsin, Inc. due to an ownership change. On May 6, 2003, the Department issued a Class 1 modification recognizing the ownership and name change.

Badger Disposal is located on approximately 3 acres of land in an industrial area on the northwest side of the City of Milwaukee. Badger Disposal is immediately surrounded by manufacturing, warehousing and other commercial activities. Badger Disposal serves over 900 clients of commercial, institutional, governmental and industrial companies nationwide that do not generate bulk quantities of waste.

Badger Disposal currently operates a licensed hazardous and nonhazardous waste storage facility within an existing building which consists of an 11,000 square foot licensed storage area and other non-regulated areas, such as a laboratory, reception area and administrative offices. The building is constructed of 12-inch thick outside walls and reinforced concrete floors. Six-inch high, ten-inch thick concrete berms are constructed where exits from the regulated storage area to non-containment areas exist. A four hour rated fire wall has been constructed with automatic fire doors which will close if excessive heat is detected, isolating the hazardous waste processing and storage area from the laboratory and office area.

The storage area in the existing warehouse building has the capacity to store up to 1,720 55-gallon containers (94,600 gallons) of hazardous and nonhazardous waste. The total capacity consists of a combination of hazardous and nonhazardous waste containers which do not exceed a maximum of 720 55-gallon hazardous waste containers (39,600 gallons) and 1,500 55-gallon nonhazardous waste containers (82,500 gallons). Containers of nonhazardous waste and containers of hazardous waste solids and lab packs are stored two high. Containers of hazardous waste liquids are not stacked. Containers of hazardous waste liquids and lab packs are stored on 6 or 8 drum spill containment pallets which have capacity to contain at least 10% of the container volume.

The primary function of Badger Disposal is the bulking and transfer of hazardous and nonhazardous waste for recycling, fuel blending and other waste management methods. The majority of the wastes received at Badger Disposal are organic hazardous wastes (F001, F002, F003, F005 and D001) and nonhazardous wastes that are shipped off-site to be recycled or burned as a fuel in industrial furnaces. Badger Disposal is also approved to store corrosive, reactive and toxicity characteristic wastes (D002-D043 wastes), listed wastes from non-specific sources (F-listed wastes), listed wastes from specific sources (K-listed wastes) and toxic and acute commercial chemical products and manufacturing chemical intermediates (U- and P- listed wastes). These additional wastes are bulked for off-site metal recovery, neutralization and other waste management methods. Containers of waste that are not bulked are stored on-site until enough accumulate for an economical shipment off-site.

The small containers in the lab-packed containers are not emptied, but are re-packed into larger lab-pack containers before they are shipped to off-site treatment, storage or disposal facilities. The lab pack container is re-packed while it is located on a spill containment pallet to minimize potential spills. Badger Disposal stores gas cylinders in its storage facility until enough are accumulated for economical shipment to a permitted treatment or disposal facility. Badger

Disposal was issued a conditional exemption for the storage and transfer of polychlorinated biphenyls (PCBs) on February 9, 2006. The conditional exemption allows Badger Disposal to store and bulk PCB wastes, such as ballasts, transformers and other PCB containing materials in the hazardous waste storage facility. Badger Disposal punctures aerosol cans using a puncturing device which de-pressurizes the cans and allows them to drain. The liquid contents of the aerosol can are drained into a 55 gallon container and may be fuel blended. The drained aerosol cans are sent off-site for metal recycling.

Containers of waste that are selected for fuel blending are staged inside the bermed warehouse area near Dock #2 located on the east side of the existing storage building. A 6,000 gallon vacuum truck trailer is backed over the berm and the contents of the selected drums are pumped into the trailer while it is parked within the containment area of the storage building. A liquid level control on the tanker indicates when the tanker is full. Before transport, a sample of the material in the tanker is obtained and analyzed to determine if the mixture meets fuel blending specifications. The valves are closed and capped and the trailer is inspected to make sure it is not leaking. A new manifest accompanies the outbound shipment which is transported to an approved cement kiln for use as a secondary fuel. Empty containers generated by the transfer of waste into the tanker truck are either crushed or stored at Badger Disposal until they are shipped to a drum recycler.

Facility Operation - Proposed Construction

Badger Disposal proposes to construct the following units:

1. A new tank farm;
2. A new lab pack building;
3. Roll off/lugger box storage area; and,
4. An addition to the existing warehouse building.

1. The proposed tank farm: A 2,000 gallon fuel blending tank will be located in the repack area on the east end of the existing warehouse. Solids which are suitable for fuel blending will be augered from drums and directed to the fuel blend tank. Liquids suitable for fuel blending will also be pumped into the 2,000 gallon fuel blending tank. A minimum liquid level will be maintained in the blending tank at all times to allow solids from the drum auger to be blended. The contents of the blending tank will be continuously mixed to achieve a homogeneous blend which will be pumped to the bulk storage tank system which consists of four 12,000 gallon carbon steel above ground storage tanks. The bulk storage tank system will be located in a 40 feet by 40 feet lined and coated concrete containment area provided with a canopy. The 2,000 gallon fuel blending tank will replace the 6,000 gallon vacuum truck currently used for fuel blending.

2. The proposed lab pack building: The totally enclosed lab pack building will be 104 feet by 60 feet and provide for the maximum storage of 145 55-gallon drums (7975 gallons) in 5 distinct containment areas. Each containment area will be 20 feet by 13 feet and designed to store up to

29 drums each of acidic, basic, ignitable, reactive waste or oxidizers. A containment area for drums of basic waste will be next to a 5,500 gallon above ground storage tank for basic waste. A containment area for drums of acidic waste will be next to a 5,500 gallon above ground storage tank for acid waste. Each of the above ground storage tanks will be in a 15 feet by 15.5 feet room. The tanks will be constructed of lined carbon steel and equipped with continuous readout non-contact ultrasonic level controls. The lab pack building will also have 5 lab-pack bays, which will be used to repack acidic, basic, ignitable, reactive wastes or oxidizers. Once the waste is repacked into 55 gallon drums, the waste will either be bulked into the acid or caustic storage tank in the lab pack building or transferred to the warehouse building where the waste will be processed into fuels or stored until it is shipped off-site for disposal or recycling. The building will also house an air scrubber system, consisting of ventilation equipment, a carbon adsorber and an alkaline oxidation scrubber.

3. The proposed bulk solids storage area: A maximum of 6 20-cubic yard roll off/lugger boxes will be stored on a 60 feet by 22 feet concrete slab enclosed with a canopy. The floor slab will be constructed of 8-inch thick reinforced concrete. Concrete curbing monolithically joined to the concrete floor slab will provide adequate secondary containment for the volume of one 20 cubic yard roll-off box. The roll off/lugger boxes will be used to store solid hazardous and nonhazardous waste of like chemical compatibility. Roll off/lugger boxes will be accepted from generators and shipped off-site under generic outgoing approvals. One roll off/lugger box stored inside the existing warehouse will be used to bulk waste. Fifty-five gallon containers of solids will be emptied into the roll-off box using the same variable speed hydraulically driven auger used to empty containers of hazardous waste destined for fuel blending.

4. The proposed addition to the existing warehouse building: The addition will be constructed to the south of the existing building and will add 40 feet by 150 feet of space for container storage. The addition will provide for the additional storage of 984 containers, consisting of a combination of up to 492 containers of non-ignitable hazardous waste and up to 984 containers of non-ignitable nonhazardous waste.

HAZARDOUS WASTE LICENSING REQUIREMENTS

To facilitate economical shipment and management of the wastes in an environmentally safe manner, Badger Disposal needs to be able to store and fuel blend various types of wastes at their facility. Since the wastes are listed and characteristic hazardous wastes, Badger Disposal must obtain a hazardous waste operating license to store and treat these hazardous wastes on-site.

To obtain a hazardous waste operating license, a facility is required to submit a license application consisting of a FPOR and an EPA Part A form, as required by s. NR 670.403(1), Wis. Adm. Code. On March 17, 2006, the Department received a license application for the hazardous waste storage facility. On September 15, 2006, Badger Disposal submitted a response to the Department's May 16, 2006 incompleteness letter. On November 15, 2006, Badger

Disposal participated in a meeting/conference call with staff from the Department and US EPA Region 5 to discuss the fuel blending operations and the applicability of ch. NR 664 subch. CC rules pertaining to air emission standards. As a result of the meeting, the Department requested additional information from Badger Disposal in an e-mail dated November 15, 2006. The Department received a written response from Badger Disposal on January 3, 2007.

The Department issued a letter to Badger Disposal on June 14, 2006 explaining the change in the regulatory status of fuel blending operations due to repealing and re-creating the hazardous waste rules in chs. NR 600 to 690, Wis. Adm. Code. The Department explained that the recycling exemption approval issued under the authority of ch. NR 625, Wis. Adm. Code, for the fuel blending activities would no longer be applicable under the new rules. If Badger Disposal intended to continue fuel blending operations, the Department requested they submit a temporary authorization request by July 10, 2006. After Badger Disposal submitted a temporary authorization request on July 10, 2006 and additional information on July 20, 2006 and July 27, 2006, the Department issued a temporary authorization request approval on August 15, 2006. The temporary authorization, which expires within 6 months of issuance, was re-issued on February 13, 2007. Badger Disposal incorporated information regarding the fuel blending activities into the FPOR by their notice of incompleteness response dated September 15, 2006. These responses and other submittals provided additional information regarding the storage and treatment activities at Badger Disposal.

Badger Disposal has submitted approvable plans for fuel blending hazardous waste and storing a total of seven 20 cubic yard lugger boxes of hazardous waste, 74,635 gallons of hazardous waste in containers and 61,000 gallons of hazardous waste in above ground storage tanks. Hazardous waste will be stored in the following storage areas: six 20 cubic yard lugger boxes will be stored in the proposed bulk solids storage area; one 20 cubic yard lugger box will be stored in the repack area of the existing warehouse building; 39,600 gallons of hazardous waste will be stored in containers in the existing warehouse building; 27,060 gallons of non-ignitable hazardous waste will be stored in containers in a proposed addition to the existing warehouse building; 7,975 gallons of hazardous waste will be stored in containers in a proposed lab pack building; a total of 11,000 gallons of hazardous waste will be stored in two 5,500 gallon above ground tanks in the proposed lab pack building; and, 48,000 gallons of hazardous waste will be stored in 4 12,000 gallon above ground tanks in a proposed tank farm. A 6,000 gallon vacuum truck located in the existing warehouse building will be used for fuel blending until a 2,000 gallon fuel blending tank is constructed in the existing warehouse. Fuel blended waste from the 2,000 gallon tank will be pumped to the proposed tank farm.

Badger Disposal accepts a wide range of wastes, including characteristic hazardous wastes (D waste); listed hazardous waste from non-specific sources (F waste); listed waste from specific sources (K waste); commercial chemical products listed as acutely hazardous waste (P waste); and, commercial chemical products listed as toxic hazardous waste (U waste). The containers of waste may be stored at Badger Disposal in the same container in which they were received or the waste may be bulked into larger containers. The waste is sent off-site to be burned for energy

recovery, reclaimed, treated or incinerated. Containers of like materials in lab packs may be repacked into other containers and shipped off-site.

Hazardous wastes will only be received and stored in DOT approved containers. Containers received at Badger Disposal include 5, 10, 14, 20, 30, 55, 85 drums, 275 gallon totes and cubic yard bags and boxes in size. The 6,000 gallon tanker truck in which the waste is currently fuel blended is included in the 39,600 gallons of waste that can be stored in the existing warehouse.

OTHER FACILITY OPERATIONS

Badger Disposal also manages other wastes that are not subject to the hazardous waste licensing requirements. These include: 1) PCB wastes such as ballasts, capacitors, transformers and other PCB contaminated wastes, which are stored in their original containers or bulked into cubic yard boxes before they are shipped off-site; 2) used oil, such as hydraulic oil or coolant, which is stored until it is picked up by a used oil recycler; and, 3) universal wastes, such as batteries and fluorescent lamps which are stored before they are shipped off-site for recycling. Badger Disposal also has a solid waste storage license which allows for the storage of 1,500 55-gallon containers (82,500 gallons) of nonhazardous waste in the existing warehouse building. The storage capacity of the existing warehouse building is 1,720 55-gallon containers. Badger Disposal is allowed to store any combination of nonhazardous and hazardous waste where the total waste in storage does not exceed 1,720 55-gallon containers (94,600 gallons) with no more than 720 55-gallon containers (39,600 gallons) of hazardous waste and no more than 1,500 55-gallon containers (82,500 gallons) of nonhazardous waste.

Although the PCB waste, used oil, universal waste and nonhazardous waste are not subject to the hazardous waste licensing requirements, they are subject to other hazardous and nonhazardous waste requirements stated in chs. NR 500-590 and chs. NR 660-679, Wisconsin Administrative Code.

BASIS FOR CONDITIONS OF APPROVAL

A FPOR approval becomes part of the final operating license and will include conditions of operation. A hazardous waste operating license is issued by the Department as part of the hazardous waste licensing program under the authority of ch. 289, Wis. Stats. The Department may state specific license conditions in order to ensure compliance with the applicable requirements of chs. NR 660-670, Wis. Adm. Code.

Prepared by: Sandra Miller
Sandra Miller, CHMM

Date: 2/28/07

B.1.4

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PERMIT

Facility Name and Location: Badger Disposal of Wisconsin, Inc.
5611 W. Hemlock Street
Milwaukee, Wisconsin 53223

Owner(s): Badger Disposal of Wisconsin, Inc.
5611 W. Hemlock Street
Milwaukee, Wisconsin 53223

Operator(s): Badger Disposal of Wisconsin, Inc.
5611 W. Hemlock Street
Milwaukee, Wisconsin 53223

U.S. EPA Identification Number: WID 988 580 056

Effective Date: August 1, 2007

Expiration Date: August 1, 2017

Authorized Activities:

The United States Environmental Protection Agency (U.S. EPA) hereby issues a Resource Conservation and Recovery Act (RCRA) permit (hereinafter referred to as the permit) to the Badger Disposal of Wisconsin, Inc. (hereinafter referred to as the "Permittee" or addressed in the second person as "you") in connection with the hazardous waste storage activities at 5611 West Hemlock facility in Milwaukee, Wisconsin.

This permit is issued under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984 (42 USC § 6901 *et seq.*) (collectively referred to as RCRA) and U.S. EPA's regulations promulgated there under (codified, and to be codified, in Title 40 of the Code of Federal Regulations (40 CFR)).

Specifically, this permit addresses: (1) Federal RCRA regulations which have not yet been authorized to the State, and (2) air emissions from the storage of hazardous waste in containers in accordance with 40 CFR § 264.1080 *et seq.* (also referred to as "Subpart CC").

The RCRA permit is comprised of both this permit, which contains the effective Federal RCRA permit conditions, and the effective State RCRA license conditions issued by the State of Wisconsin's RCRA program authorized under 40 CFR Part 271 (hereinafter called the "State-issued portion of the RCRA permit"). Any hazardous waste activity not covered by the permit is prohibited when such activity requires a RCRA permit.

Permit Approval:

On January 31, 1986, the State of Wisconsin received final authorization pursuant to Section 3006 of RCRA, 42 USC § 6926, and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. The State of Wisconsin has also received final authorization to administer certain additional RCRA requirements on several occasions since then. However, because the U.S. EPA has not yet authorized the State of Wisconsin to administer certain regulations, including the air emission standards for tanks and containers handling hazardous wastes (see 40 CFR § 264.1080 *et seq.*, also known as "Subpart CC") and recent changes to other sections of applicable regulations, the U.S. EPA Region 5 is issuing the RCRA permit requirements for operations at the Permittee's facility which fall under these regulations.

You must comply with all terms and conditions contained in this permit. This permit consists of all the conditions contained herein, the documents listed in all documents attached hereto and all documents cross-referenced in these documents, approved submittals (including plans, schedules and other documents), and the applicable regulations contained in 40 CFR Parts 124, 260, 261, 262, 264, 268, 270, and applicable provisions of RCRA (hereinafter referred to as the permit).

This permit is based on the assumptions that: (1) the information submitted in the Permittee's RCRA updated permit application dated September 14, 2006, and all other modifications to that application (hereinafter referred to as the "Application") are accurate, and (2) the facility is configured, operated and maintained as specified in the permit, and as described in the Application.

Any inaccuracies in the submitted information may be grounds for the U.S. EPA to terminate, revoke and reissue, or modify this permit in accordance with 40 CFR §§ 270.41, 270.42 and 270.43; and for enforcement action. You must inform the U.S. EPA of any deviation from, or changes in, the information in the Application that might affect your ability to comply with the applicable regulations or conditions of this permit.


Opportunity to Appeal:

Petitions for review must be submitted within 30 days after the U.S. EPA serves notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may file a petition for review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 CFR § 124.19.

Effective Date:

This permit is effective as of August 1, 2007, and will remain in effect until August 1, 2017, unless revoked and reissued under 40 CFR § 270.41, terminated under 40 CFR § 270.43, or continued in accordance with 40 CFR § 270.51(a).

By:


Margaret M. Guerriero, Director
Land and Chemicals Division

Date

August 1, 2007

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SECTION I - STANDARD PERMIT CONDITIONS

LA EFFECT OF PERMIT

You are hereby allowed to manage hazardous waste in accordance with this permit. Under this permit, the storage and treatment of RCRA hazardous waste must comply with all air emission standards and all other terms and conditions in this permit. (Other aspects of the storage and treatment of RCRA hazardous wastes in containers, tanks, miscellaneous units, etc., are subject to the conditions in the State-issued portion of the RCRA permit.) Any hazardous waste activity not covered by this permit is prohibited when such activity requires a RCRA permit.

Subject to 40 CFR § 270.4, compliance with the RCRA permit during its term constitutes compliance for purposes of enforcement with Subtitle C of RCRA except for those requirements not included in the permit which: (1) become effective by statute; (2) are promulgated under part 40 CFR Part 268 restricting the placement of hazardous waste in or on the land; (3) are promulgated under 40 CFR Part 264 regarding leak detection systems; or (4) promulgated under subparts AA, BB, or CC of 40 CFR Part 265 limiting air emissions. (40 CFR § 270.4)

This permit does not: (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under: (1) Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; (2) Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment. (40 CFR §§ 270.4 and 270.30(g))

LB PERMIT ACTIONS

I.B.1 Permit Review, Modification, Revocation and Reissuance, and Termination

The U.S. EPA may review and modify, revoke and reissue, or terminate this permit for cause, as specified in 40 CFR § 270.41, § 270.42, and § 270.43. The U.S. EPA may also review and modify this permit, consistent with 40 CFR § 270.41, to include any terms and conditions it determines are necessary to protect human health and the environment under Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated

noncompliance on your part will not stay the applicability or enforceability of any permit condition.

You must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective. You may perform construction associated with a Class 2 permit modification request beginning 60 days after submission of the request unless the Director establishes a later date. (40 CFR § 270.42(b)(8))

I.B.2 Permit Renewal

This permit may be renewed as specified in 40 CFR § 270.30(b) and Condition I.E.2 of this permit. In reviewing any application for a permit renewal, the U.S. EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 CFR § 270.30(b) and RCRA Section 3005(c)(3))

I.C SEVERABILITY

This permit's provisions are severable; if any permit provision, or the application of any permit provision to any circumstance, is held invalid, such provision's application to other circumstances and the remainder of this permit will not be affected. Invalidity of any statutory or regulatory provision on which any condition of this permit is based does not affect the validity of any other statutory or regulatory basis for that condition. (40 CFR § 124.16(a))

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 CFR Parts 124, 260 through 266, 268, and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

I.E DUTIES AND REQUIREMENTS

1.E.1 Duty to Comply

You must comply with all conditions of this permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (see 40 CFR § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA and will be grounds for: enforcement action; permit termination, revocation and reissuance; or modification; or denial of a permit renewal application. (40 CFR § 270.30(a))

I.E.2 Duty to Reapply

If you wish to continue the permit regulated activities after the expiration date, you must apply for and obtain a new permit. You must submit a complete application for a new permit at least 180 days before the permit expiration date, unless the Director grants permission for a later submittal date. The Director will not grant permission to submit the complete application for a new permit later than the permit's expiration date. (40 CFR § 270.10(h) and § 270.30(b))

I.E.3 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective for a fixed term not to exceed 10 years from this permit's effective date. This permit and all conditions herein will remain in effect beyond the permit's expiration date if you have submitted a timely, complete application (40 CFR § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. (40 CFR §§ 270.50, and 270.51)

I.E.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, you are not entitled to a defense that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit. (40 CFR § 270.30(c))

I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, you must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health or the environment. (40 CFR § 270.30(d))

I.E.6 Proper Operation and Maintenance

You must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that you install or use to comply with this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires you to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. (40 CFR § 270.30(e))

I.E.7 Duty to Provide Information

You must provide the Director, within a reasonable time, any relevant information that the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. You must also provide the Director, upon request, with copies of any records this permit requires. The information you must maintain under this permit is not subject to the Paperwork Reduction Act of 1980, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

Upon the presentation of credentials and other legally required documents, you must allow the Director or an authorized representative to:

I.E.8.a Enter at reasonable times upon your premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit (40 CFR § 270.30(i));

I.E.8.b Have access to and copy, at reasonable times, any records that you must keep under the conditions of this permit;

I.E.8.c Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.E.8.d Sample or monitor any substances at any location at reasonable times, to ensure permit compliance or as RCRA otherwise authorizes.

Notwithstanding any provision of this permit, U.S. EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of the wastes, contaminated media, treatment residue, or other waste to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the State-approved waste analysis plan, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and*

Wastes (EPA 600/4-79-020), or an equivalent method, as specified in the referenced waste analysis plan. (40 CFR § 270.30(j)(1))

I.E.9.b You must retain, at the facility, all records as specified in 40 CFR § 264.74.

I.E.9.c You must submit all monitoring results at the intervals specified in this permit.

I.E.9.d You must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records, or other documents, unless a different period is specified in this permit. The 3-year period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. (40 CFR §§ 270.30(j) and 270.31))

I.E.10 Reporting Planned Changes

You must notify the Director promptly of any planned physical alterations or additions to the permitted facility. (40 CFR § 270.30(l)(1))

I.E.11 Reporting Anticipated Noncompliance

You must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(l)(2))

I.E.12 Certification of Construction

You must not operate any RCRA air emission control devices completed after the effective date of this permit until you have submitted to the Director, by certified mail or hand-delivery, a letter signed both by your authorized representative and by a registered professional engineer. That letter must state that the portions of the facility covered by this permit (including all air emission control devices required by this permit) have been constructed in compliance with the applicable conditions of this permit. In addition, you must not operate the permitted control devices until either:

I.E.12a The Director or his/her representative has inspected those portions of the facility and finds them in compliance with the conditions of the permit; or

I.E.12b The Director waives the inspection.

I.E.13 Transfer of Permits

This permit is not transferable to any person, except after notice to the Director. Under 40 CFR § 270.40, the Director may require permit modification, or revocation and reissuance to change the Permittee's name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, you must notify the new owner or operator in writing of the requirements of this permit and the requirements of 40 CFR Parts 264, 268, and 270. (40 CFR §§ 264.12(c), 270.30(l)(3), and 270.40(a))

I.E.14 Twenty-Four Hour Reporting

I.E.14.a You must report to the Director any noncompliance with this permit that may endanger human health or the environment. Any such information must be promptly reported orally, but no later than 24 hours after you become aware of the noncompliances.

I.E.14.b The report must include the following information (40 CFR §§ 270.30(l)(6) and 270.33): (1) release of any hazardous waste that may endanger public drinking water supplies; (2) release or discharge of hazardous waste; or (3) fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. You must include the following information:

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility;
- (3) Name, address and telephone number of the owner and/or operator;
- (4) Date, time and type of incident;
- (5) Location and cause of incident;
- (6) Identification and quantity of material(s) involved;
- (7) Extent of injuries, if any;
- (8) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (9) Description of any emergency action taken to minimize the threat to human health and the environment; and
- (10) Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.14.c In addition to the oral notification required under Conditions I.E.14.a and I.E.14.b of this permit, a written report must also be provided within 5 calendar days after you become aware of the circumstances. The written report must include, but is not limited to, the following:

- (1) Name, address and telephone number of the person reporting;
- (2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and
- (5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement that written notice be provided within 5 calendar days; however, you will then be required to submit a written report within 15 calendar days of the day on which you must provide oral notice, in accordance with Conditions I.E.14.a and I.E.14.b of this permit. (40 CFR § 270.30(1)(6))

I.E.15 Other Noncompliance

You must report all instances of noncompliance not reported under Condition I.E.14 of this permit, when any other permit required reports are submitted. The reports must contain the information listed in Condition I.E.14. (40 CFR § 270.30(1)(10))

I.E.16 Other Information

I.E.16.a Whenever you become aware that you failed to submit or otherwise omitted any relevant facts in the permit application or other submittal, or submitted incorrect information in the permit application or other submittal, you must promptly notify the Director of any incorrect information or previously omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal. (40 CFR § 270.30(1)(11))

IE.16.b All other requirements contained in 40 CFR § 270.30 not specifically described in this permit are incorporated into this permit and you must comply with all those requirements.

I.F SIGNATORY REQUIREMENT

You must sign and certify all applications, reports, or information this permit requires, or which are otherwise submitted to the Director, in accordance with 40 CFR § 270.11. (40 CFR § 270.30(k))

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

Except as otherwise specified in this permit, all reports, notifications, or other submittals that this permit requires to be submitted to the Director should be sent by certified mail or hand-delivered to the U.S. Environmental Protection Agency, Region 5, at the following address:

RCRA Branch, DW-8J
Land and Chemicals Division
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

I.H CONFIDENTIAL INFORMATION

In accordance with 40 CFR Part 2 Subpart B, you may claim any information this permit requires, or is otherwise submitted to the Director, as confidential. You must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions, or, in the case of other submittals, by stamping the words "Confidential Business Information" on each page containing such information. If you made no claim at the time of submittal, the Director may make the information available to the public without further notice. If you assert a claim, the information will be treated in accordance with the procedures in 40 CFR Part 2. (40 CFR § 270.12)

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

You must maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them.

I.I.1 Operating Record

You must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 CFR §§ 264.1035, 1064, 1084, 1088, 1089 and 40 CFR § 264.73 (as they apply to the equipment used to comply with this permit).

I.I.2 Notifications

You must maintain notifications from generators accompanying initial incoming shipments of wastes subject to 40 CFR Part 268 Subpart C, that specify treatment standards, as required by 40 CFR §§ 264.73, 268.7, and this permit.

I.I.3 Copy of Permit

You must keep a copy of this permit on site, including all the documents listed in any attachments, and you must update it as necessary to incorporate any official permit modifications.

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

I.J.1 All attachments and documents that this permit requires to be submitted, if any, including all plans and schedules are, upon the Director's approval, incorporated into this permit by reference and become an enforceable part of this permit. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject you to enforcement action under Section 3008 of RCRA. This action may include fines, or permit suspension or revocation.

I.J.2 This permit also includes the documents attached hereto, all documents cross-referenced in these documents, and the applicable regulations contained in 40 CFR Parts 124, 260, 261, 262, 264, 268, 270, and the applicable provisions of RCRA, all of which are incorporated herein by reference.

I.J.3 Any inconsistency or deviation from the approved designs, plans and schedules is permit noncompliance. The Director may grant written requests for extensions of due dates for submittals required in this permit.

I.J.4 If the Director determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Director may modify this permit according to procedures in Condition I.B of this permit.

I.J.5 If any documents attached to this permit are found to conflict with any of the Conditions in this permit, the Condition will take precedence.

I.K COORDINATION WITH THE CLEAN AIR ACT

You must fully comply with all applicable Clean Air Act (CAA) and RCRA permit limits. Where two or more operating limitations apply, the most stringent operating limitations will ultimately take precedence.

SECTION II -- LAND DISPOSAL RESTRICTIONS (40 CFR PART 268)

II.A GENERAL CONDITIONS

II.A.1 You must comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements which became effective by statute and have not authorized to the State for management in lieu of the federal programs. (42 U.S.C. § 6924)

II.A.2 A mixture of any restricted waste with non-restricted waste(s) is a restricted waste under 40 CFR Part 268.

II.A.3 Except as expressly allowed under 40 CFR Part 268, you must not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with 40 CFR Part 268, Subpart D, to circumvent the effective date of a prohibition in 40 CFR Part 268, Subpart C, to otherwise avoid a prohibition in 40 CFR Part 268, Subpart C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.

II.A.4 You must maintain a current list of the EPA hazardous waste numbers handled by the facility that are identified in 40 CFR Part 268, Subparts B and C. The list must include all waste numbers handled by the facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list must be provided to the U.S. EPA representatives, or their designees, upon request.

II.B. TESTING AND RELATED REQUIREMENTS

II.B.1 In accordance with 40 CFR § 268.7(a), you must test any waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.

II.B.2 You must comply with all applicable treatment standards provided in 40 CFR Part 268, Supart D.

II.B.3 You must comply with all the applicable notification, certification, and recordkeeping requirements described in 40 CFR § 268.7(a) and (b).

II.C STORAGE PROHIBITIONS

II.C.1 You must comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR Part 268, Subpart E.

II.C.2 Except as otherwise provided in 40 CFR § 268.50, you may store restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that:

II.C.2.a Each container is clearly marked to identify its contents and the date each period of accumulation begins; and

II.C.2.b Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at the facility.

II.C.3 You may store restricted wastes for up to 1 year unless the U.S. EPA or its authorized agent can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. (40 CFR § 268.50(b))

II.D BLENDING OF METAL WASTES

You must not dilute metal-bearing wastes (listed in Appendix XI of 40 CFR Part 268), if the dilute waste will be used as fuel in any RCRA permitted combustion facility, unless you have demonstrated that the diluted waste complies with one or more of the criteria specified in 40 CFR § 268.3(c).

SECTION III -- OTHER FEDERAL RCRA REQUIREMENTS

III.A ADDITIONAL HAZARDOUS WASTE NUMBERS

III.A.1 In addition to the hazardous waste numbers listed in the State-issued portion of the RCRA permit, you may handle the newly listed hazardous wastes, K169, K170, K171, K172, K174, and K175.

III.A.2 You may handle future newly listed hazardous waste(s) promulgated under the HSWA at your facility only if you have processed a Class 1 and/or Class 2 permit modification in accordance with 40 CFR § 270.42(g). All handling of these wastes must comply with the applicable provisions of both the State-issued and the Federal-issued portion of the RCRA permit.

SECTION IV -- AIR EMISSIONS STANDARDS (40 CFR Part 264, Subpart CC)

IV.A WASTE DETERMINATION

In accordance with the procedures specified in 40 CFR § 264.1083, you must determine the average volatile organic (VO) concentration of: (1) generated hazardous waste at the point of origination, and (2) treated hazardous waste. You must determine the maximum organic vapor pressure of a hazardous waste.

IV.B CONTAINERS

You must comply with all applicable requirements of 40 CFR § 264.1080 through 40 CFR § 264.1090, regarding air emission standards for containers handling hazardous waste. All containers not exempt from 40 CFR Part 264, Subpart CC must be managed using Level 1 control or Level 2 control as appropriate. You must not conduct any waste stabilization process, as defined in 40 CFR § 265.1081, in containers.

IV.B.1 Requirements for Level 1 Containers

You must manage hazardous waste with a VO concentration of 500 parts per million and greater by weight (ppmw) in containers with Container Level 1 standards as stipulated under 40 CFR § 264.1086(c). The hazardous waste stored in Level 1 containers must meet the following requirements.

IV.B.1.a Unless all containers are treated as Level 2 containers, they must be stored in a separate area or clearly marked to avoid potential mix-up with the Level 2 containers.

IV.B.1.b Containers with a design capacity greater than 0.46 m³ (122 gallons) shall not be used in light material service as defined in 40 CFR § 265.1081.

IV.B.1.c A Level 1 container must be one of the following:

- (1) It meets the applicable U.S. Department of Transportation (DOT) regulations as specified in 40 CFR § 264.1086(f),
- (2) It is equipped with a cover and closure devices with an acceptable tightness and construction materials in accordance with 40 CFR § 264.1086(c)(1)(ii), or
- (3) It is an open-top container with organic vapor suppressing barrier to prevent hazardous waste from being exposed to the atmosphere as specified in 40 CFR § 264.1086(c)(1)(iii).

Containers, which meet the requirements of Condition IV.B.1.c(2) or (3), must be equipped with covers and enclosures suitable for the physical and chemical characteristics of hazardous waste in containers, maintaining container integrity throughout the life of the container, and the environments under which the containers are placed in the storage facility. Any chemical used for vapor suppression must not generate heat and/or fume and must be compatible with the hazardous waste in the container. Vapor suppression chemicals must act as an acceptable and stable barrier to the hazardous waste, thus preventing releases of VO into the environment. The barrier shall not chemically react to the hazardous waste. (40 CFR § 264.1086(c)(2))

IV.B.1.d All covers and closure devices must be in closed position whenever hazardous waste is in a container. Opening of a closure device or cover is allowed if it meets the purpose and operates as defined in 40 CFR § 264.1086(c)(3)(i) through (v).

IV.B.1.e You must inspect the containers and their covers and closure devices in accordance with 40 CFR § 264.1086(c)(4).

IV.B.2 Requirements for Level 2 Containers

Containers with a design capacity greater than 0.46 m³ and in light material service must be managed and meet the requirements of Container Level 2 standards per 40 CFR § 264.1086(d).

IV.B.2.a Emission control: Containers must be one of the following:

- (1) It meets the applicable U.S. Department of Transportation regulations and 40 CFR § 264.1086(f) for the purpose of compliance,
- (2) It operates with no detectable organic emissions as defined in 40 CFR §§ 265.1081 and determined in accordance with 40 CFR § 264.1086(g), or
- (3) It is vapor tight within the preceding 12 months by using 40 CFR Part 60, Appendix A, Method 27. (40 CFR § 264.1086(d)(1))

IV.B.2.b Transfer of hazardous waste in or out of a container must be conducted using an engineered method generally accepted and practiced by the industry, or its equivalent method to minimize the release of organics into the atmosphere. (40 CFR § 264.1086(d)(2))

IV.B.2.c All covers and closure devices must be in closed position whenever hazardous waste is in a container. Opening of a closure device or cover is allowed if it meets the purpose and operates as defined in 40 CFR § 264.1086(d)(3)(i) through (v).

IV.B.2.d You must inspect the containers and their covers and closure devices in accordance with 40 CFR § 264.1086(d)(4).

IV.C CONTAINERS EXEMPT FROM SUBPART CC CONTROL STANDARDS

III.C.1 Under this permit, you must demonstrate by direct measurement or approved method that for each container you claim to be exempt under Subpart CC, the average VO concentration for hazardous waste, determined in accordance with 40 CFR §§ 264.1083(a), 265.1084(a)(2), and (3), is less than 500 ppmw.

III.C.2 For each container, you must review and update this determination in accordance with 40 CFR § 264.1082(c)(1) at least once every 12 months following the date of the initial determination. For each container, you must prepare and maintain the records described in 40 CFR § 264.1089(f). These records must be maintained as part of the operating record.

IV.D RECORDKEEPING AND REPORTING REQUIREMENTS

The Permittee shall comply with all applicable recordkeeping and reporting requirements described in 40 CFR § 264.1089 and § 264.1090.

**RESPONSE TO COMMENTS
REGARDING
THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PERMIT
TO BE ISSUED TO BADGER DISPOSAL OF WISCONSIN, INC.
MILWAUKEE, WISCONSIN 53223
WID 988 580 056**

INTRODUCTION

This response is issued pursuant to Title 40 of the Code of Federal Regulations (40 CFR) Section 124.17, which requires that any changes of draft permit conditions be specified along with the reason for the change; that all significant comments be described and responded to; and that any documents cited in the response be included in the administrative record. Comments were requested regarding the United States Environmental Protection Agency's (U.S. EPA) tentative determination to reissue a RCRA permit to the Permittee.

The 45-day public comment period commenced on March 15, 2007, with a public notice in The Wisconsin State Journal and the Milwaukee Journal Sentinel, and a radio announcement on a local radio station, WFMR. The termination date of this comment period was May 7, 2007.

Additionally, pertinent information and materials were available at the Milwaukee Central Public Library, located at 814 West Wisconsin Avenue, Milwaukee, Wisconsin.

Comments were received from Donald P. Gallo on April 11, 2007, an attorney representing EOG Environmental (EOG).

RESPONSE TO COMMENTS

Comments presented by EOG include alleged history of violations at the Badger facility. However, U.S. EPA concurs with Wisconsin Department of Natural Resources' preliminary determination to issue a final RCRA permit to the Badger Disposal of Wisconsin Inc. with modifications to the draft permit.

Since EOG made no specific comments to the federal draft permit, no response to comments was prepared.

CHANGES TO THE DRAFT PERMIT

No change to the federal draft permit conditions was made, since no comments to the draft permit were received. Due to recent reorganization at Region 5, U.S. EPA, the following changes have been made.

Waste, Pesticides and Toxics Division was changed to: Land and Chemicals Division, and Program Management Branch was changed to: RCRA Branch.

DETERMINATION

Based on a full review of all relevant data provided to the U.S. EPA, the U.S. EPA has determined that the final permit contains such terms and conditions necessary to protect human health and the environment.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

August 1, 2007

REPLY TO THE ATTENTION OF:

D-8J

CERTIFIED MAIL: 7001 0320 0006 1558 4146
RETURN RECEIPT REQUESTED

Ms. Kandylee Schmit
Compliance Officer
Badger Disposal of Wisconsin, Inc.
5611 W. Hemlock Street
Milwaukee, Wisconsin 53223

RE: Final Federal RCRA Permit
Badger Disposal of Wisconsin, Inc.
WID 988 580 056

Dear Ms. Schmit:

Enclosed is a copy of the Federal portion of a Resource Conservation and Recovery Act (RCRA) Hazardous Waste permit for the above-referenced facility. The Hazardous Waste permit contains both Federal permit conditions (contained herein) and State license conditions, which were issued separately by the State of Wisconsin RCRA program authorized under Title 40 of the Code of Federal Regulations (40 CFR) Part 271. When both this portion and the State license are effective, Badger Disposal of Wisconsin, Inc. will have an effective RCRA Hazardous Waste permit. Any hazardous waste activity not included in the RCRA permit is prohibited when such activity requires a RCRA Hazardous Waste permit.

Eligibility to appeal the Federal permit is discussed further in 40 CFR §124.19. All original documents are to be signed in blue ink with five (5) copies marked as such. The petition for review must be received by U.S. EPA in Washington, D.C., via U.S. Postal Service at the address indicated below within 30 days after service of notice of the final permit decision.

United States Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC-1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Submissions can also be made by hand or courier, Federal Express, UPS, or a non-U.S. Postal Service at the following address:

United States Environmental Protection Agency
Environmental Appeals Board
Colorado Building
1341 G Street, NW
Suite 600
Washington, D.C. 20005

A copy of the petition should also be sent to:

RCRA Branch (DW-8J)
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

The procedures for filing an appeal are found in 40 CFR § 124.19. The administrative appeal procedures must be completed prior to any action seeking judicial review.

This Federal permit is effective August 1, 2007, valid until August 1, 2017, unless the Federal permit is revoked and reissued, or terminated pursuant to 40 CFR § 270.41 and § 270.43. Failure to comply with any conditions of the Federal permit may result in civil and/or criminal penalties.

If you have any questions concerning this permit, please contact Wen C. Huang of my staff, at (312) 886-6191.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Margaret M. Guerriero', is written over a horizontal line.

Margaret M. Guerriero, Director
Land and Chemicals Division

Enclosure:

cc: Ms. Sandy Miller, Wisconsin DNR

Badger Disposal of Wisconsin, Inc.
5611 W. Hemlock Street, Wisconsin, WI

File: Badger - RTC

Wen C. Huang/James Blough

June 28, 2007.

WASTE MANAGEMENT BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR	IL/IN/MI SECTION CHIEF	MN/OH/WI SECTION CHIEF	POL. PREV. & SPEC. INTIV SEC. CHIEF	^{RB} WMB BRANCH CHIEF	WPTD DIVISION DIRECTOR
WCH 7/12/07 WCH				WMB 8/2/07	

RCRA Final Permit Sign-off

Background

Facility Name: Badger Disposal of Wisconsin, Inc.
(Owner)..... Badger Disposal of Wisconsin, Inc.
(Operator)... Badger Disposal of Wisconsin, Inc.

Facility Location..... 5611 W. Hemlock Street
Milwaukee, WI 53223

Facility ID Number..... WID 988 580 056

Public Comment Period..... March 15 - April 29, 2007 (Extended to May 7, 2007)

Type of Permit

☐ Operating ☐ Treatment ☐ Disposal **Modifications:**
☐ Post-Closure ☒ Storage ☐ Subpart X ☐ Class 2 ☐ EPA Initiated
☐ BIF ☐ Incineration ☐ Environmental Justice Memo ☐ Class 3

Review Package Content

☒ Final Permit w/attachments ☒ Fact Sheet ☒ Administrative Record Index
☒ Final Public Notice ☐ Statement of Basis ☒ Administrative Record
☒ Cover Letter to Facility ☐ Other (_____)

Applicable Permit Conditions

☐ Land Disposal Restrictions ☐ Other (_____)
☒ Air Emissions
☒ Newly Listed Wastes

Concurrences

1. Permit Writer (Name): <u>Wen Huang</u> <u>Jim Blough</u> <i>gs</i>	<u>Initials</u>	<u>Date</u>
Phone Number: <u>6-6191</u> <u>6-2967</u> <i>7/11/07</i>	<i>WCH</i>	<i>7/17/07</i>
2. Section Administrative Assistant	<i>GC</i>	<i>7/18/07</i>
3. Technical Expert		
4. Section Chief	<i>JD</i>	<i>7/19/07</i>
5. ORC - Assistant Regional Counsel (Name): <u>Robert Guenther</u> - Permit Coordinator (Name): <u>Tom Nash</u> <i>Tom w/commitments</i> - Chief (Name): <u><i>QO</i></u> <i>QO</i>	<i>RG</i>	<i>7/30/07</i>
6. IMS (in PMB) [Sign-off only if public-noticing will be done by the U.S. EPA. Cross out if not applicable.]		
7. RCRA Branch Chief	<i>WCH</i>	<i>8/2/07</i>
8. Division Director, Land & Chemicals	<i>WCH</i>	

Date: _____ Comment: Wisconsin DNR targets August 1, 2007, for re-issuance of this permit with an expiration date of August 1, 2017

